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THE LOUISIANA HISTORICAL QUARTERLY

Vol. 22, No. 4

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THE LOUISIANA HISTORICAL QUARTERLY

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SPANISH ACTIVITIES IN THE LOWER MISSISSIPPI VALLEY, 1513-1698¹

By ALFRED B. THOMAS

The beginnings of United States history are in the South, not in New England or along the Virginia coast. There were two bases for the projection of the first European contacts with the mainland of the lower Mississippi Valley, namely, the Caribbean and Mexico. In the Caribbean, between 1492 and 1513, the Spaniards had colonized and planted their institutions. Slave raids into the Bahamas brought them into contact with an old Indian myth, the Fountain of Youth, the inspiration of Ponce de León's expedition. His exploration along the west coast of Florida to Apalache Bay initiated a long history of Spanish activities in that area. Six years later, in 1519, Alonzo de Pineda explored the Gulf rim from Florida to Vera Cruz and gave it its first name Amichel. He possibly discovered the mouth of the Mississippi, which he called the Rio de Espíritu Santo, but more probably his reference to a large river and Indians along it are to Mobile Bay and river.²

The remarkable exploits of Cortéz in Mexico stimulated a series of new expeditions into the north. The first was that of Narvaez who in 1527 sailed with six hundred colonists north into the Gulf. Plunging into the Florida wilds beyond Tampa in April, he emerged on Apalache Bay in the summer where his expedition went to pieces. The survivors built horsehide boats to navigate along the

¹ Paper read at the Thirty-Second Annual Meeting of the Mississippi Valley Historical Association, April 20-22, 1939, Memphis, Tenn.

² Edward Gaylord Bourne, *Spain in America* (New York, 1904), 137, overrules Fiske and others on the ground that Pineda's description did not square with the accounts which Soto's survivors gave of the Mississippi. (John Fiske, *The Discovery of America*, 2 Vols. Boston, 1892, II, p. 486). Diego de Camargo preceded Pineda to Tampico in 1518, but his route is not known. Fiske, *Discovery of America*, II, 486 note.

coast to Mexico. Narvaez was swept to his death in the Gulf but Cabeza de Vaca, the expedition's treasurer, landed on the Texas coast whence he walked across the continent to Culiacán, Mexico. In Mexico, Vaca's tales set afoot the Coronado expedition. In Spain his arrival gave an impetus to the preparations of Hernando de Soto.

As organized in Spain, Soto's expedition consisted of ten vessels. From September of 1537 to the following February, he entered into contracts for the purchase of his ships and employment of officers and crew. Of the ten, Soto paid 2,212 gold ducats for the vessel named *La Magdalena*, a price that included the row boats, tackle, rigging, and cordage and the furniture. The *San Juan* cost 1,410 ducats (gold); two other vessels were the small galleon *San Juan* and *San Cristóbal* which transported as its principal cargo flour and pipes of wine. Among the crew in addition to those already known were Luís Pérez, master of the *San Cristóbal*; Juan Rodríguez, master of the small galleon, *San Juan*; San Juan de Cheaga, master of the galleon *San Juan*, and Pedro de Solis, master of the *La Magdalena*. Among the pilots were Juan López and Gonzalo do Porto; Juan Suárez was the boatswain on the *San Cristóbal*. The sailors, caulkers, lombarderos, served at wages varying from one and one-half ducats monthly while in port to three ducats at sea, to two and one-half ducats in port to four ducats at sea. The cabin boys earned one and one-half ducats monthly in port to three ducats at sea. A page who is recorded as serving on the *San Juan* earned eight reales, silver, in port to sixteen at sea.³ With great fanfare the entourage left for Cuba of which Soto was named governor as well as Adelantado of Florida. On May 18, 1539, he set sail from Havana for the north with six hundred followers.

The expedition landed near Tampa on May 30, 1539, and set out through the Florida wilds on August 1 to search for golden hatted Indians at Cale.⁴ But Cale proved to be some mud huts on the Suanee River. From here they pushed on to a point near present Tallahassee, re-discovered Pensacola Bay and moved north-eastward to the Savannah River below present Augusta to a town called Cufitachiqui. Here the Spaniards, learning that the natives buried pearls in their ancestors' graves, soon retrieved a pile weighing three hundred and fifty pounds.

³ José Hernández Díaz, *Expedición del Adelantado Hernando de Soto a la Florida* (Publicaciones el Instituto Hispano-Cubano de Historia de América). Sevilla, 1938, 20-31.

⁴ Herbert E. Bolton, *The Spanish Borderlands* (New Haven, 1921) 46-78, is followed here for Soto's route.

Soto brushed aside the petitions of his men to found a colony here for he had heard of a rich land, Chiaha, ruled by a chief of Coosa to the north. His march there took him into Swain County, North Carolina, then over the Smoky Mountains into Tennessee, and south through Georgia into present Talladega County, Alabama. On July 26, the Coosa chief welcomed the searchers but had no gold. Seizing what Indians he needed as slaves, Soto marched southward to Mavilla in October near present Choctaw Bluff. The Indians hostile there were slaughtered and Mavilla burned. After this battle, Soto's men manifested a sudden desire to return home, but the commander determinedly held to his course. In tatters they set off again to the north, crossed the Black Warrior and Tombigbee and went into winter quarters in eastern Mississippi. Here the Chickasas attacked in the spring but were defeated. Soto broke camp soon afterwards and marched northeastward. Early in May, 1541, he stood on the east bank of the Mississippi not far from Chickasaw Bluffs. On the level land near the river his men felled trees to build boats, for across the river Soto had heard from an Arkansas chief of Pacaha, a rich province. This Indian accompanied by two hundred warriors painted with ochre and carrying feather shields, visited Soto and brought gifts of furs, buffalo robes, dried fruits and fish. In return the Spaniards fired upon them and killed half a dozen of the warriors.

Early in June, Soto crossed the Mississippi to search for gold through flooded lands, (present St. Francis County) in Pacaha. There they caught the Indians unawares, seized women and raided the simple treasures of the village. Soto then learned that while Pacaha had no gold, a richer province called Chisco was filled with it. Moving westward they entered Tanico, in present Oklahoma, and camped along the Neosho River of today, to gather supplies. From here they marched southeastward, crossed the Arkansas near present Fort Smith and went into winter quarters in western Arkansas of today. In the spring, March, 1542, Soto resolved to send ships to Cuba and refit before continuing. But the boats he sent down the river from the mouth of the Arkansas returned with no news of the sea. Himself discouraged, his men dispirited and the Indians hostile, Soto fell sick. His haughty spirit did not leave him until he ordered one more massacre of some neighboring Indians for a fancied insult. Then, as the mediaeval bishop remarked of Clovis, King of the Franks, "not

finding anyone else to kill, he died." His followers accepted Luís Moscoso as their leader, buried Soto in a shroud of furs in the Mississippi River and set off for home. They attempted an overland march through Texas to Mexico, but returned to the river where they built some brigantines and floated for seventeen days to the sea. On September 10, 1543, the survivors entered Pánuco River near Tampico and gave in the church heartfelt thanks for their deliverance.

The Soto expedition is significant in that it gave the Indians their first taste of European conquest. The next intruders, the Anglo-Saxons, not hunting gold but land, changed the Spanish practice of piecemeal destruction to wholesale. The expedition, too, marks an important contribution to Europe's expanding knowledge of geography. The records of the undertaking have value in the study of primitive Indian societies in the South. Finally, Soto's expedition marks an important link in the development of Spanish activities in the lower Mississippi Valley.

The spirit of adventure did not die with Soto. In 1544 Father Olmos proposed missionary work in Florida. In 1546 Fray Luís Cancer, a friend of Las Casas, landed at Tampa Bay but the Indians murdered the good Father and his companions. Olmos in 1556 again suggested missions for the Rio Grande and Mobile Bay. The next year Father Canillas wrote the king of the advantages of Mobile Bay as a base to conquer the interior, as did the Archbishop of Mexico in 1555. In 1557 the viceroy, Velasco, urged the conversion of the Gulf region.⁵ To all these petitions the king remained adamant. But a new factor changed his mind, namely, Frenchmen who were reported approaching Florida to buy Indian "gold, pearls, marten skins and other things." Accordingly, on December 29, 1557, Philip II ordered the viceroy of Mexico to appoint a governor of Florida and sent extensive instructions for the organization and administration of this area. There were to be inns, storehouses, jails, slaughter and judges.⁶

For the undertaking, Viceroy Velasco selected Don Tristán de Luna. The point ultimately decided upon for the base of the colonization project was the famous Coosa region in present Alabama whose resources were made much of by Soto's survivors. To make sure of the sea route Guido de las Bazaes sailed two hundred and seventy-five leagues from Vera Cruz, and selected a port he named

⁵ Herbert I. Priestley, *Tristán de Luna*, (Glendale, 1936), 52-56.

⁶ *Ibid.*, 57-58.

Philippine Bay, a new name for Mobile Bay. On June 11, 1559, Luna was ready to sail, with thirteen vessels, carrying fifteen hundred persons, five hundred of whom were soldiers and the rest colonists, men, women and children with Negroes and Aztec Indians as servants. Supplies necessary to establish the colony included two hundred horses, large quantities of corn, biscuits, bacon, dried beef, cheese, oil, vinegar, wine, breeding cattle, tools for building, axes and mattocks for farmers.

Bazares' route was not followed. A wind blew the expedition to the coast of Yucatan whence it worked its way to Mobile Bay and back again to Ochuse, that is Pensacola Bay, by August 14. Five days later a hurricane wrecked ten of the ships with a loss of almost all the provisions. Luna sent an appeal to Mexico and an expedition inland to secure food from the Indians. At Nani-pacna, the Mavilla which Soto burned, a village on the present Alabama River about ten miles from the head of Mobile Bay, they found food supplies. Eventually with no word from Mexico, Luna transferred his command to Nanipacna. One of his foraging expeditions explored present Escambia River; another, early in 1560 proceeded one hundred and fifty miles up the Alabama River. But everywhere the Indians fled from their villages. Desperate Luna now sent one hundred and fifty men to reach Coosa. Friendly to the Indians there, the Spaniards aided them against the Nepochies on the Tombigbee River and were able to send food to Nanipacna.

Meanwhile Luna decided to move his camp to Mobile bay where soon after food ships arrived from Mexico, but also brought orders to send a colony to Santa Elena on the Atlantic seaboard to head off a rumored French occupation. Soon after the Spaniards at Coosa returned to the coast, November, 1560. Their arrival created a further food shortage, which with indecision on the part of Luna as to the best way out of his difficulties, led to his removal from the command early in 1561. Villafañe, who had arrived from Mexico, took charge of the remnant of the colony, some two hundred men still at Pensacola Bay. From them he selected a majority for Santa Elena, but a hurricane ruined the project so Villafañe returned to Pensacola Bay, took aboard the last of Luna's colonizers and sailed for Mexico.⁷

The Luna expedition is significant in that it continued the tradition of Spanish advance into the lower Mississippi Valley.

⁷ The above summary of the Luna expedition is based upon Priestley, *Tristán de Luna, passim*.

While its end came in 1561, yet only four years later Menendez was to sail north and successfully establish St. Augustine. From here explorations went into the Gulf area of Apalache Bay. But it was not until 1633 that the San Marcos missions were established approximately where Tallahassee is today.⁸ Twenty years later there were nine missions there and a garrison. By 1639, western Florida and southern Alabama was a center whence came to St. Augustine deer skins, turkeys and several thousand bushels of maize and beans annually. Finally by the end of the century San Marcos was a base for a new advance toward Coosa when missions and a presidio were established along the Chattahooche River and in eastern Alabama to hold back the Carolina English.⁹

The western lower Mississippi Valley came into history with Cabeza de Vaca's expedition across Texas. Coronado's attempt arose out of the ashes of Vaca's deeds. By 1541, Coronado had reached Pecos whence he proceeded to the Plains. Quivira he found in present-day eastern Kansas about the same time Soto was on the Neosho River. Continuing the exploration in the West was Oñate who in 1601 journeyed to the Wichita settlements near the great bend of the Arkansas. In 1634 Baca, it is reported, made an expedition for three hundred leagues east of New Mexico to a river identified as the Mississippi. Between 1629 and 1634 other Spaniards from New Mexico were proselyting and pearl hunting along the Nueces River in Texas.¹⁰

After the middle of the century French pirates on the Gulf and official interest of France in the interior of the lower Mississippi Valley stirred Spain to look more closely into the vast area from Pensacola to Santa Fé. The first intimation of the French came between 1664 and 1680 when Archuleta journeyed northeast from Santa Fé to El Cuartelejo in eastern Colorado of today, where, it is reported, he saw copper supposedly acquired from the French. Coincident with this expedition a renegade New Mexican governor, Don Diego de Peñalosa, falsely reported to the French government that he had made a journey to Quivira and the Mississippi in 1662 and offered to conquer this area for France.¹¹

⁸ Herbert E. Bolton, *Arredondo's Historical Proof to Spain's Title to Georgia* (Berkeley, 1925), 25-27.

⁹ *Ibid.*, 46-54.

¹⁰ Alfred B. Thomas, *After Coronado: Spanish Exploration Northeast of New Mexico, 1696-1727* (University of Oklahoma Press, Norman, 1935), 5-11.

¹¹ *Ibid.*, 12. On Peñalosa see C. W. Hackett, "New Light on Don Diego de Peñalosa: Proof That He Never Made an Expedition from Santa Fé to Quivira and the Mississippi River in 1662," *Mississippi Valley Historical Review*, VI, 313-335.

This threat to her dominion brought Spain hurrying to defend the Gulf and to inquire into the interior regions described by Peñalosa.

Searching the New Mexican records, the Council of the Indies uncovered the 1630 Memorial of Father Benavides who had proposed to utilize the Bay of Espíritu Santo (Matagorda Bay) for the very purpose of connecting New Mexico with the Gulf. Accordingly on December 10, 1678, the king issued an order indicative of Spain's renewed interest in the north. Therein he commanded the viceroy of Mexico to learn whether the Bay of Espíritu Santo could best be colonized from Mexico or from Florida. At the same time Father Posadas of New Mexico was directed to describe the regions referred to by Peñalosa.¹²

Six years later, Martín de Echegaray proposed an extensive Gulf coast exploration from Mobile Bay to Tampico and colonization with Canary Islanders. The king approved but in the same year learned of La Salle's expedition to the Gulf. Echegaray was forgotten in the extensive plans now laid to circumvent the French occupation of the Gulf, but he had aroused further interest in the possibilities of the Bay of Espíritu Santo.¹³

La Salle's undertaking disturbed Spain for two reasons. First, the project would split the Spanish control of the Gulf area from Florida to Mexico and also enter a wedge into the Caribbean-Gulf region by linking the French West Indies settlements with Louisiana. The amazing increase in French trade with these islands under Colbert at this time sharpened the danger.¹⁴ Secondly, a French base at the mouth of the Mississippi would enhance the effectiveness of French piratical raids in the Gulf, on Florida and on Mexico itself, whose mines were a lodestone for all foreigners.

The first expedition to attempt to locate La Salle came from Havana in 1686 led by Barroto and Romero. By January 17 they reached Apalache Bay, then explored Pensacola Bay and on February 10 entered Mobile Bay and remained for several weeks. On March 4 they passed the mouth of the Mississippi but considered that stream, because of the nature of the entrance, unworthy of investigation. Meanwhile in Mexico, Alonzo de León from Monterrey in June, 1686, explored the Rio Grande to its mouth but

¹² William E. Dunn, *Spanish and French Rivalry in the Gulf Region of the United States, 1678-1702* (Austin, 1917), 13-20.

¹³ *Ibid.*, 20-30.

¹⁴ Stewart L. Mims, *Colbert's West India Policy* (New Haven, 1912), gives the details of this increase.

found no Frenchmen. At the same time, the authorities in Florida sent Marcos Delgado who left Apalache on August 28, traveled northwest through present Alabama and by September was among the Mobile Indians. There with no news of foreigners, Delgado returned in October after making the first extensive exploration of West Florida and present southern Alabama in the seventeenth century.

Undeterred by these results, the Spaniards now dispatched three more sea expeditions. The first under Rivas and Iriarte left Tampico in March, 1687, explored Matagorda Bay, then called San Bernardo Bay, but known to Benavides and Posadas as Bay of Espíritu Santo, and found the wreck of one of La Salle's ships. Eschewing land exploration they continued along the coast unaware that La Salle's followers were encamped but five miles away on the Garcitas River. At Mobile Bay, after avoiding the Mississippi again, on May 22, they explored the mouth of six small rivers and then went on to Havana. In the meantime the viceroy had sent out another expedition to search for Rivas, the activities of which are unknown beyond the fact that Andrés de Pez commanded and that he explored Matagorda and Mobile Bays. Reports by this time had reached Madrid of the destruction of La Salle's attempt. However, the Mexican authorities, impelled by a talkative English pirate, captured near Havana, who described in detail the French settlements in the north, sent out in March, 1688, Pez and Barroto. From Mobile Bay they explored west but at the mouth of the Mississippi turned back still confident that that stream was unworthy of their attention.

Hardly had the prevaricating Englishman been exposed when the governor of Coahuila, Alonzo de León, found a real live Frenchman among the Texas Indians who told Bunyanesque tales of his country's establishments on a great river in the interior. Once again Pez sent by sea to the north, August, 1689, explored the Rio Grande at its mouth, sailed along the Texas coast and returned home. Meanwhile, León himself went by land from Mexico with Texas Indians as guides. They took him directly to the Garcitas River and on April 22 León came upon the decaying ruins of La Salle's fort. Two more Frenchmen were found among the Indians who later in Mexico City identified for the dismayed Pez, San Bernardo Bay as the Bay of Espíritu Santo.

While the French were not found to be an immediate menace, yet the viceroy authorized missions for east Texas. In 1690

Father Massenet established these on San Pedro Creek near the Nechas River. Terán's attempt in 1691 to locate new sites ended in failure and in 1693 the missions were withdrawn for plans were afoot for establishing a colony on Pensacola Bay.¹⁵ The retreat from Texas was exceptional for the advance to Pensacola was paralleled at the moment by the Vargas reconquest of New Mexico and Kino's advance through Sonora and into Arizona in the far West.

The drive for the Pensacola undertaking came from Pez who hoped as governor there to open the interior to colonization. Supported by the great Mexican savant, Don Carlos de Sigüenza y Góngora, the two in 1693 made a scientific survey of Pensacola Bay. The king's approval for occupation was given in 1694, but it was not until 1698, when the French revived La Salle's project, that Spain undertook the serious colonization of Pensacola. Pez, now in disgrace, was succeeded by Don Andrés de Arriola who had served in Africa, Sicily, and the Philippines and was at the moment clearing the Gulf of French pirates. He had previously directed log-cutting for masts at Pensacola and on his coastal surveys was the only Spaniard to sniff the importance of investigating the mouth of the Mississippi River. On October 15, 1698, Arriola led his expedition from Vera Cruz to Pensacola just the week before Iberville sailed from Brest. There Arriola found Captain Juan Jordán from Havana establishing the colony. Thus to Jordán goes the honor of founding Pensacola. While Arriola was planning the presidio, Iberville sailed into the harbor. Neither knew the strength of the other. After a polite exchange of notes, Iberville, not chancing combat, moved on to found the first French colony at Biloxi.¹⁶ The establishment of this colony on the Gulf opens a new phase in Spanish development in the north. It is time, therefore, to estimate the significance of Spanish activities in the lower Mississippi Valley from Ponce de León to Arriola.

The twenty-five known Spanish expeditions into the lower Mississippi Valley between 1513 and 1698 constitute a significant record in North American exploration. Their accounts have scientific value in relation to contemporary Indian societies, southern folklore, and in the development of southern and Gulf coast car-

¹⁵ The above account from Barroto to Terán is based upon Dunn, *Spanish and French Rivalry in the Gulf Region*, *passim*.

¹⁶ Irving A. Leonard, "Don Andrés de Arriola and the Occupation of Pensacola Bay," in *New Spain and the West* (2 vols., Lancaster, 1932), I, 88-83, gives the details concerning Pez and Arriola.

tography. While the purposes of the earlier expeditions were to seek gold, the great majority were part of the defensive effort of Spain to guard her control of the Gulf from pirates and foreign powers seeking colonies. The understanding of this point explains two broad facts. As defensive settlements, the colonies were necessarily weak. Spain lost them to foreigners. Yet these outposts played the role assigned them: protection of her great mainland colonies. No foreigners ever annexed these.

The conflict with the French initiated the history of the international struggle for the control of the Gulf which today is resolved in favor of the United States. That story and the part of the South in it is as yet unwritten. Stemming from this participation of the South is the perfectly clear implication that the lower Mississippi Valley has for more than four hundred years been linked with the history of Latin America. Finally, it is equally clear that we need a broader perspective in presenting the history of our country. In the past the South was part of the northern frontier of the Spanish empire. Today and for the future the lower Mississippi Valley is part of the frontier between the English- and Spanish-speaking peoples of the Western Hemisphere. The conventional framework of our history, confined to thirteen English colonies and a Westward Movement, has obvious limitations to portray the past role of the lower Mississippi Valley or to provide a base for the comprehension of its present and future role in the international history of the New World.

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MINUTES OF THE ASSEMBLY OF WEST FLORIDA¹

**(Sessions: February 23-June 6, 1767; December 15, 1767-
January 11, 1768)**

Edited by JAMES A. PADGETT

(SESSION: FEBRUARY 23—JUNE 6, 1767)

Monday February 23d. 1767

The House met according to the Prorogation of His Excellency Governor Johnstone.

Present John Lorimer, Alexander Moore, John Crozer, James Ross, Daniel Clark, John Weir, William Aird, Benjamin Ward, Esquires.

Mr. Lorimer and Mr. Ward went and acquainted His Honor Lieutenant Governor Browne That the Assembly had met according to Prorogation but that their Speaker was absent, who returning reported the same, and that His Honor was pleased to say, the Council would meet at Twelve o'Clock, and that he would then send a Message to the House; but that in the Mean time they might choose a Speaker, if they Pleased. Then the House Chose John Lorimer Esquire their Speaker Pro-tempore.

A Message was received from His Honor the Lieutenant Governor desiring the House to Attend him.

The House Attended Accordingly when His Honor was present to Prorogue the Assembly to Friday the Third Day of April next.

J. Lorimer Speaker Protempe.

Friday April 3d. 1767

The House met according to Prorogation.

Present John Lorimer Esquire, Speaker Pro-tempore, James Ross, Daniel Clark, Alexander Moore, Benjamin Ward, William Aird, John Crozer.

¹ Copied from the original in the West Florida Papers, Library of Congress. This document is in a bound volume, but the handwriting is not very legible. On the outside of the volume is found the erroneous label: "Minutes of the Upper House of West Florida." The Assembly was the *lower* and not the *upper* house of the Colonial Legislature of West Florida.

Resolved 1st.— That William Latterthwaite Esquire Member for the Township of Campbell Town being deceased since passing of the standing Rules of the House, and seven Members being a Majority of the whole House are Consequently a Quorum to act as if all the Members were present and to proceed to all Business.

Resolved 2nd.— That this (House) are the sole Judges in Explaining their Own Rules and Orders.

Motion was made and agreed to that a Message be sent to His Honor Lieutenant Governor to acquaint him that the House was met.

Ordered that Mr. Benjamin Ward and Mr. Aird do wait upon His Honor with the same who Returning reported the Delivery thereof and that his Honor was pleased to say that the Council was to meet at half an hour past Twelve o'Clock and he would then send a Message to the House.

The House Resolved into a Committee to take into Consideration the present State of the Government of this Province and after some time spent therein, The House resumed itself and Mr. Moore from the Committee reported that they had Come to several Resolutions which he was ready to Report when the House would be pleased to receive the same.

Ordered that the same be now Received.

Then Mr. Moore in his Place read the Reports and delivered the same in at the Table where being again read by the Clerk they were agreed to by the House and are as follows Vizt.

Resolved Ist.— That this House will on all Occasions support and Maintain His Honor the Lieutenant Governor's Administration in Conformity to His Majesty's Intentions and that they will as far as in them lyes endeavour to render the same Easy, Happy and Honorable to him and that they will at all Times maintain the just Prerogative of the Crown as well as the Rights and Liberties of the People.

Resolved IId.— That the Pretending or Attempting to Exercise the Government of this Province or the issuing Proclamations or Orders in the Name of the Governor without the Advice and Consent of His Majesty's Council is Contrary to His most Gracious Majesty's Royal Instructions and a Dangerous and Unwarrantable Innovation in the Constitution.

Resolved IIIId.— That the Obliging the Members of the Assembly to meet at the Expiration of every Prorogation when the Public Business does not Require any Session is Attended with many Inconveniences besides giving Unnecessary Trouble to the Members.

Resolved IIIIth.— That these Irregularities seem to Proceed from His Honor the Lieutenant Governor's being advised thereto by some Weak or evil disposed Persons.

Resolved Vth.— That whatever Person or Persons have advised His Honor the Lieutenant Governor to exercise the Civil Government of this Province without the Aid, Advice and Assistance of His Majesty's Council are Enemies to His Majesty to His Honor the Lieutenant Governor to the Constitution and to the Laws Rights and Liberties of the People.

Resolved VIth.— That such Persons are Endeavouring to innovate and alter the Civil Constitution established by his Majesty in this Province to alienate the Minds of the People from His Honors Administration, to Destroy the Public Peace and Harmony amongst us, and to throw all Things into Anarchy and Confusion.

Resolved VIIth.— That His Honor the Lieutenant Governor be humbly Requested to remove such Persons from his Presence and that in Conformity to His Majesty's Instructions he make Choice of such able and Discreet Persons to fill up the Vacancy's in his Majesty's Council as are most Capable to Aid and Assist him in his Administration.

Motion was made and agreed to that the House should come to the following Resolutions Vizt.

Resolved Ist.—That Mr. Speaker do in the Name of the House Communicate to His Honor the Lieutenant Governor the following Resolution's when the House do attend His Honor.

Resolved IInd.—That the Members who were last Session appointed a Committee of Grievances be likewise a Committee for Corresponding with Mr. Hannay the Agent for this Province during the Vacancy: and that the said Committee do likewise receive such Representation's from time to time as may be presented to them by the People which they are to prepare in order that they may be laid before this House without Loss of time at their next

Meeting, when they will likewise present Copies of their Letters to the Agent with such Answers as have been Received.

A Message was Received from His Honor the Lieutenant Governor desiring the House to attend him.

The House attended Accordingly when Mr. Speaker agreeable to Order Read to His Honor the Several Resolution's which the House had come to on Consideration of the present state of the Government of this Province, and delivered to His Honor a Copy of the same.

His Honor was pleased to say that those Resolutions were (would?) Require some time to Answer.

The House retired by His Honors desire.

Being again Called in His Honor was pleased to Prorogue the Assembly in the following Words of which to prevent Mistake Mr. Speaker obtained a Copy Vizt.

In His Majesty's Name I do hereby Prorogue the Assembly of this Province for Forty days longer being till Tuesday the Twelfth Day of May next.

(Signed) M: Browne

Tuesday May 12th. 1767

The House met according to Prorogation.

Present Mr. Speaker, John Lorimer, Henry Lizars, Benjamin Ward, William Aird, James Ross, John Crozer, Esquires.

The Minutes of the 23d. February and of the 3d. April were read and Approved of.

A Message to his Honor the Lieutenant Governor.—

May it Please your Honor, We are Ordered by the House of Assembly to acquaint your Honor that they have met agreeable "to Prorogation."

Ordered that Mr. Aird and Mr. Crozer do wait upon his Honor with the same, who returning reported that his Honor was not at home, but they had delivered the same to Mr. Collins his Secretary.

Resolved that this House being met according to the last prorogation in the Name of his most sacred Majesty, and his Honor the Lieutenant Governor having left Pensacola without making any Provision for an Event so Necessary for the Publick good of this his Majesty's Province, that this House ought to proceed to the Publick Business as far as depends upon them.

The following Members were appointed a Committee of Privileges and Elections.

Mr. Ross, Mr. Lorimer, Mr. Aird, Mr. Benjamin Ward, and all such Members as may chuse to attend.

That three be a Quorum.

That they sit at such Time as they see Convenient.

That they have Power to send for Persons Papers and Records and to Examine all Persons in the most solemn manner.

The following Members a Committee of Grievances.

Mr. Lizars, Mr. Lorimer, Mr. Ross, Mr. Aird, Mr. Crozer, and all other Members who may chuse to attend.

That three be a Quorum.

That they sit at such times as they see Convenient.

That they have Power to send for Persons, Papers and Records and to examine all Persons in the most solemn Manner.

Motion was made that a Committee be appointed to enquire into what Bills are Necessary to be prepared.

Ordered that Mr. Ross, Mr. Lorimer, Mr. Ward, Mr. Lizars, and all such Members as may chuse to attend be a Committee for the above Purpose and for preparing and bringing in the same.

That three be a Quorum.

Motion was made that a Conference be demanded of his Majesty's Council to take into Consideration the Business of the Present Session and that the following Message be sent to them.

May it please your Honor's, "We are desired by the House of Assembly to acquaint your Honors that they being met according to Prorogation are desirous to have a Conference with a Committee of your Honors on the Business of the present Session at such time and place as your Honors may please to appoint."

Ordered that Mr. Lizars and Mr. Benjamin Ward do wait upon their Honors with the same who returning reported the Delivery thereof and that their Honors would send an Answer.

Standing Rules

1st. Rule That Five Members be a Quorum to meet and Adjourn and send for absent Members.

2nd. That a Majority of the whole House including the Speaker be a Quorum to act as if all the Members were present.

3d. That the Speaker being sick or otherwise Necessary absent a Speaker Pro tempore be chosen.

4th. That the Assembly always at rising do adjourn from Time to Time as they shall see Convenient for the Dispatch of Affairs.

5. That the Minutes of the Preceeding Meeting be read before the House proceed to Business and if approved of be entered in the Journal to remain in the Hands of the Speaker.

6th. That at the Opening of every Assembly the House may call upon the Speaker and Clerk of the Preceeding Assembly for all such Minutes and Papers as are in their Hands relative to the Assembly and to examine them Solemnly concerning the same.

7. That generally the House will proceed to and resolve upon every Matter as it occurs with Caution and according to the best Precedents.

Motion was made that as Alexander Moore Esquire one of the Representatives for the District of Pensacola had been appointed a Member of His Majesty's Council That Mr. Speaker do issue his Warrant for electing a Member in the Room of Mr. Moore and being put to the Vote was carried in the Affirmative.

A Motion was likewise made that William Statterthwaite late Member for Campbell Town being deceased the Speaker do issue his Warrant for electing a Representative in his Room.

Ordered that Mr. Speaker do issue his Warrants accordingly.

Mr. Lorimer informed the House that Mr. Weir had applied to him during the Prorogation, he being Speaker Pro tempore for leave of Absence for Six Months, as his Business required his going to Britain, and at same time acquainted Mr. Lorimer that in Case any detriment should arise from his Absence that the House might in that Case declare his Seat Vacant.

A motion was made and agreed to that in all Probability Mr. Weir would not return to his Seat in this House during this Assembly and Publick Business requiring the Attendance of the Members that the Seat be declared Vacant.

Ordered that Mr. Speaker do issue his Warrant for a new Member in the Place of Mr. Weir.

Ordered that Mr. William Cox Messenger do acquaint the Deputy Provost Marshall that the House desired one of the Constables of Pensacola to attend them.

The following Message received from the Council.

Mr. Speaker, "I am Commanded by the Council to acquaint the Assembly that they have received their Message and that a Committee of the whole Council will Hold a Conference with the House of Assembly this day at half an hour past Twelve at the Council Chamber."

The House adjourned till Four o'Clock this Afternoon.

Frans. Possett Speaker.

Tuesday Four o'Clock

The House met according to Adjournment.

Present, Mr. Speaker, Mr. Lorimer, Mr. Ross, Mr. Benjamin Ward, Mr. Crozer, Mr. Aird, Mr. Lizars.

Mr. Speaker reported that the House waited on the Council agreeable to the Message and had a Conference with their Honors relative to the Publick Business Necessary to be proceeded upon this Session and Unanimously agreed upon the same Vizt.

A Bill for the Amendment of an Act Entitled an Act for granting certain Duties to his Majesty to be applied towards supporting the Government of this Province.

A Bill for Regulating of Pilots and for Establishing Rates of Pilotage.

A Bill for Regulation of Marketts in the Town of Pensacola and for appointing where a Markett House shall be Built in said Town.

A Bill for the Clearing of the Streets of the Town of Pensacola.

A Bill for imposing a Duty on Lumber and all other Materials for Building imported from Foreign Parts into this Province.

A Bill to prevent the Selling or Bartering Spiritous Liquors to the Indians by the Inhabitants of Mobille.

Mr. Ward, Mr. Ross, Mr. Lizars were appointed a Committee to bring in the said Bills.

The House Adjourned till Eleven o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Wednesday May 13th. 1767

The House met according to Adjournment.

Present Mr. Speaker, Mr. Lorimer, Mr. Lizars, Mr. Benjamin Ward, Mr. Crozer, Mr. Ross, Mr. Aird.

The Minutes of Yesterday were Read.

A Petition of Nathaniel Thompson and others who were recommended by the Justices in Quarter Session at Pensacola for Licences complaining of Robert Collins the Deputy Provincial Secretary for having demanded from each of them a Fee of Five Pounds Sterling for the Governor's Certificate, and praying for Redress, was Read.

Ordered that the said Petition be referred to the Committee of Grievances.

The House Adjourned till Eleven o'Clock tomorrow Morning.

Frans Poussett Speaker.

Thursday May 14th. 1767

The House met according to Adjournment.

Present Mr. Speaker, Mr. Lorimer, Mr. Aird, Mr. Ross, Mr. Lizars, Mr. Crozer, Mr. Benjamin Ward.

The Minutes of Yesterday were Read.

The following Message received from the Council.

Mr. Speaker, "I am Commanded by the Council to acquaint the Assembly that they desire to have a Conference with a Committee from your House at the Council Chamber at half an hour after Twelve."

The following Message sent to the Council.

May it please your Honors, "I am Ordered by the House to acquaint your Honors that they have appointed Mr. Ross, Mr. Lorimer and Mr. Lizars a Committee to attend a Committee of your Honors at the Proposed Conference."

Ordered that Mr. Benjamin Ward do wait upon their Honors with the same who returning reported the Delivery thereof.

The House Adjourned till Eleven o'Clock tomorrow Morning.

Frans Poussett Speaker.

Friday May 15th. 1767

The House met according to Adjournment.

Present Mr. Speaker, Mr. Lorimer, Mr. Ross, Mr. Benjamin Ward, Mr. Aird, Mr. Crozer, Mr. Lizars.

The Minutes of Yesterday were Read.

Mr. Ross from the Committee appointed to hold a Conference with the Council reported that the Members of the Council at said Conference had represented the great Advantage that would arise to the Province from making a Convenient Road between Pensacola and Mobile and proposed to the Committee to represent the same to the House & to bring in a Bill Accordingly.

Mr. Speaker reported that agreeable to order of the House he had issued his Warrant to the Register in Chancery for making out Writts for an Election of Three new Members to fill the Vacant Seats And that Arthur Gordon Esquire the said Register in Chancery did acquaint him that he had agreeably to the said Warrants made out the Writts of Election and went to the Lieutenant Governor's House to have them signed but that his Honor was not to be found.

Mr. Ward Chairman of the Committee for preparing Bills presented the following Bills Vizt.

An Act for granting certain Duties to his Majesty on all Lumber and other Materials for Building Imported into this Province from Foreign Lands.

An Act Constituting Commissioners for the Examination and appointment of Pilots, and for Establishing the Rates of Pilotage for the Harbour of Pensacola.

An Act to Amend and Render more effectual an Act intituled an Act for granting certain Duties to his Majesty to be applied towards supporting the Government of this Province.

An Act for Impowering the Magistrates and Freeholders of Charlotte County Occasionally to prohibit the selling of Rum or other strong Liquors to the Indians.

An Act to Regulate Marketts and to prevent forestalling which was read the first time.

Ordered that the same be Read a Second time tomorrow.

Ordered that the Receiver General or his Deputy at Pensacola do on Monday next the Eighteenth Instant lay before this House a state of the Publick Account.

Ordered that the Register in Chancery do wait upon the Senior Councillor and acquaint him with the Answer he received when he went to the House of the Lieutenant Governor with the Writs of Election for signing, and ask him in what manner he is to proceed so that the said Writs may be carried into Execution without Loss of time.

A Motion was made that a Bill be brought in appointing Commissioners for Building a Markett House at Pensacola and for appropriating such Sum or Sums of Money as may Remain in the Hands of the Receiver General and not otherwise applied for Establishing a Ferry at the River Perdido and towards Opening a Road to the Bay of Mobile.

Ordered that the Committee for preparing Bills do prepare and bring in a Bill to the above Purpose.

The House adjourned till Eleven o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Saturday May 16th 1767

The House met according to Adjournment.

Present Mr. Speaker, Mr. Lorimer, Mr. Lizars, Mr. Benjamin Ward, Mr. Aird, Mr. Ross, Mr. Crozer.

The Minutes of Yesterday were read.

Mr. Ross Chairman from the Committee of Grievances having obtained leave of the House made the following Report Vizt.

The Committee are unanimously of Opinion that the Petition of Nathaniel Thompson and others has been fully proved and thereupon have come to the following Resolution's.

Resolved that the Fee demanded by Robert Collins Provincial Secretary from the Retailors of Spirituous Liquors for the Governor's Licence is Exorbitant.

Resolved that it appears to this Committee that for redressing the Grievances complained of by the Petitioners the Bill for granting Licences ought to be amended.

The following Bills were read a second time according to Order Vizt.

An Act for granting certain Duties to his Majesty on all Lumber and other Materials for Building imported into this Province from Foreign Parts and for applying the same to certain Purposes.

An Act Constituting Commissioners for the Examination and appointment of Pilots and for Establishing Rates of Pilotage for the Harbor of Pensacola.

An Act to amend an Act and render more Effectual an Act Intitled an Act for granting certain Duties to his Majesty to be applied towards supporting the Government of this Province.

An Act for Impowering the Magistrates and Freeholders of Charlotte County Occasionally to prohibit the selling of Rum or other Strong Liquors to the Indians.

An Act to Regulate Marketts and to prevent Forestalling.

Ordered that the said Bills be Committed.

Mr. Gordon Register in Chancery waited on the House and informed them of His Honor the Lieutenant Governor's return and that he was going to attend him for the Signing the Writts of Election and desired to know whether the House would be pleased to allow any further time for the return of said Writts.

Ordered that the said Writts be returned on Wednesday the Twentieth Instant.

A Motion was made and agreed to that as Mr. Clark Chairman of the late Committee of Grievances had not Occasion to write the Agent after the Resolution of this House which was for that Purpose past upon the Third of April last That the Present Committee of Grievances shall during the Vacancy have the same Power as were there specified for the said late Committee and that Mr. Speaker shall acquaint Mr. Hannay the present Agent of the said Resolution.

The House adjourned till Ten o'Clock Monday Morning.

Frans. Poussett Speaker.

Monday May 18th. 1767

The House met According to Adjournment.

Present Mr. Speaker, Mr. Ross, Mr. Lorimer, Mr. Lizars, Mr. Crozer, Mr. Ward, Mr. Aird.

The Minutes of Saturday were Read.

The House Resolved itself into a Committee of the whole House upon the following Bills Vizt.

An Act for granting certain Duties to his Majesty on all Lumber and other Materials for Building Imported into this Province from Foreign parts and for applying the same to certain Purposes.

An Act to Amend and render more Effectual an Act Intitled an Act for granting certain Duties to his Majesty towards supporting the Government of this Province.

An Act to Regulate Marketts and prevent Forestalling, and after some time spent therein the House resumed itself and Mr.

Lorimer from the Committee reported that they had gone through the said Bills and that he had a Report to make and desired to know when the House would be pleased to receive the same.

Ordered that the same be now received and Read.

The same was received and Read and being delivered in at the Table was again read by the Clerk and agreed unto by the House.

Ordered that the said Bills Ingrossed be Read a Third time.

An Act to Amend and render more Effectual an Act Intitled an Act for granting certain Duties to his Majesty to be applied towards supporting the Government of this Province.

An Act for granting certain Duties to his Majesty on all Lumber and other Materials imported into this Province from Foreign Parts and for applying the same to certain Purposes.

An Act to Regulate Marketts and to prevent Forestalling.

Resolved that the said Bills do pass.

Ordered that Mr. Speaker do sign the same.

The following Message was sent to the Council.

May it please your Honors, "We are ordered by the House to acquaint your Honors that they have passed the following Bills, Vizt."

An Act to amend and render more Effectual an Act Intitled an Act for granting certain Duties to His Majesty to be applied towards Supporting the Government of this Province.

An Act for granting certain Duties to his Majesty on all Lumber and other Materials for Building imported into this Province from Foreign Parts and for applying the same to certain Purposes.

An Act for Regulating Marketts and to prevent Forestalling.

"And desire your Honors Concurrence to said Bills."

Ordered that Mr. Lizars and Mr. Ross do wait on their Honors with the same who returning reported the delivery thereof.

Mr. Ward from the Committee for preparing Bills reported that they had prepared a Bill Entitled An Act for appointing Commissioners for Building a Markett House regulating Marketts and for applying certain sums of Money for Establishing a Ferry at the River Perdido and towards opening a Road from Pensacola to the Bay of Mobile and desired to know when the House would be pleased to receive the same.

Ordered that the same be now Received and Read.

The said Bill was accordingly Read the first time.

Ordered that the said Bill be read a second time tomorrow.

The following Message received from the Council.

Mr. Speaker, "I am Commanded by the Council to inform the House of Assembly that they have received Three Bills from the Assembly."

First.— An Act to Amend and render more Effectual an Act for granting certain Duties to his Majesty to be applied towards supporting the Government of this Province.

Second.— An Act for granting certain Duties to his Majesty on all Lumber and other Materials for Building imported into this Province from Foreign Parts and for applying the same to certain Purposes.

Third.— An Act to Regulate Marketts and to prevent Fore-stalling.

"Which they have taken into Consideration."

A Message was received from His Honor the Lieutenant Governor desiring the House to attend him.

The House attended accordingly the Members returned to their House, Mr. Speaker reported that his Honor had made a Speech of which to prevent Mistakes he had Obtained a Copy.

His Honors Speech was read in the following Words Vizt.

Gentlemen of the Council, Mr. Speaker and Gentlemen of the Assembly, "I have called you together for the dispatch of publick Business and to take such Things into your Consideration as may most Effectually conduce to the Benefits and Advantages of this Province.

I am Recommend to your most serious Attention, an Amendment to those Acts already passed which you may find deficient.

As publick Communications are the most Necessary Steps to the Improvement of an Infant Colony I am to desire you will give your utmost Attention to provide Means for opening a Road in the Shortest Line between this place and Mobile.

Mr. Speaker and Gentlemen of the Assembly, I have only to Recommend to you to finish this Session by carrying thro' the Business Candour, Temper and Moderation. Let not any Private Views interfere with the good of the Colony; and you shall find

me ever ready and determined to support the Rights and Liberties of His Majesty's-Subjects in this Province."

Pensacola May 18th. 1767.

(Signed) M: Browne.

The House adjourned till Eleven o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Tuesday May 19th. 1767

The House met according to Adjournment.

Present Mr. Speaker, Mr. Ross, Mr. Benjamin Ward, Mr. Lorimer, Mr. Aird.

The House Adjourned till Eleven o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Wednesday May 20th. 1767

The House met according to Adjournment.

Present Mr. Speaker, Mr. Lorimer, Mr. Benjamin Ward, Mr. Crozier, Mr. Lizars, Mr. Aird, Mr. Ross.

The Writts of Election for filling up the Vacant Seats being sent down to the House and being read with the Returns to the same it appeared that William Barrow and Arthur Neil Esquires were duly elected Members for the District of Pensacola and John Blommart Esquire for the Township of Campbell Town. The said Gentlemen attending Mr. Speaker and Mr. Ross by Virtue of the dedimus to them directed, Administered the Oaths to Mr. Barrow Mr. Neil and Mr. Blommart who took the same and made and subscribed the Declaration.

The House resolved itself into a Committee upon the Bill Intituled an Act constituting Commissioners for the Examination and appointment of Pilots and for Establishing Rates of Pilotage for the Harbour of Pensacola and after some time spent therein, the House resumed and Mr. Lorimer from the said Committee reported they had gone through the same and made several Amendments thereto which he was ready to Report, and desired to know when the House would be pleased to receive the same.

Ordered that the same be now received then Mr. Lorimer in his place read the said Bill with the Amendments and delivered the same in at the Table where being again Read by the Clerk was agreed to by the House.

Ordered that the said Bill be Ingrossed and Read a Third time.

The following Message was received from the Council Vizt.

Mr. Speaker, The Council have Commanded me to acquaint the House of Assembly that they have agreed to their Bill Intitled An Act to amend and render more Effectual An Act for granting certain Duties to his Majesty to be applied towards supporting the Government of this Province.

Mr. Speaker, "I am ordered by the Council to acquaint the House of Assembly that they desire to inspect the Journals of the Assembly."

A Motion was made that an humble Address be presented to his Honor for his Speech of the Eighteenth Instant.

Ordered that Mr. Ross, Mr. Lorimer, Mr. Barrow, Mr. Neil and Mr. Blommart be a Committee for preparing the same.

A Motion was made and agreed to that the Bill for appointing perpetual Administrators which from the Multiplicity of Business last Session was ordered to lay over be now brought in on Monday next.

The House Adjourned till 5 o'Clock this Afternoon.

Wednesday Five o'Clock

The House met according to Adjournment.

Present Mr. Speaker, Mr. Lorimer, Mr. Blommart, Mr. Ross, Mr. Benjamin Ward, Mr. Lizars, Mr. Neil, Mr. Barrow, Mr. Crozer.

The Bill intituled An Act appointing Commissioners for Building a Markett House regulating Marketts and for applying certain sums of Money for Establishing a Ferry at the River Perdido and towards opening a Road for Pensacola to the Bay of Mobile was read a Second Time.

Ordered that the said Bill be Committed.

Motion was made that a Bill be brought in for the order and Government of Slaves.

Ordered that the Committee for preparing Bills do bring in a Bill for the above Purpose.

The House adjourned till Eleven o'Clock tomorrow morning.

Frans. Poussett Speaker.

Thursday May 21st. 1767

The House met according to Adjournment.

Present Mr. Speaker, Mr. Lorimer, Mr. Crozer, Mr. Blommart, Mr. Neil, Mr. Lizars, Mr. Ross, Mr. Barrow, Mr. Benjamin Ward.

The Minutes of Yesterday were read.

Mr. Ward from the Committee for preparing Bills reported that they had prepared a Bill for the Order and Government of Slaves and desired to know when the House would be pleased to receive the same.

Ordered that the same be now Received.

The same was Accordingly received and Read the first time.

Ordered that the same be read a Second Time on Saturday.

The House resolved into a Committee upon the Bill intituled an Act Impowering the Magistrates and Freeholders of Charlotte County occasionally to Prohibit the Selling of Rum or other Strong Liquors to the Indians and after some time spent therein the House resumed and Mr. Lorimer from the Committee reported they had gone through the same and was ready to make a Report when the House would be pleased to receive the same.

Ordered that the same be now Received.

The same was accordingly received and being Read by the Clerk was agreed unto by the House.

Ordered that the said Bill be Ingrossed and read a third Time.

The House adjourned till Eleven o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Friday May 22nd. 1767

The House met according to Adjournment.

Present Mr. Speaker, Mr. Lizars, Mr. Blommart, Mr. Barrow, Mr. Crozer, Mr. Ross, Mr. Neil, Mr. Lorimer.

The Minutes of Yesterday were read.

The following Message sent to the Council.

May it please your Honors, "I am ordered by the House to acquaint your Honors that they have appointed their Clerk to wait upon your Honors with the Journals of the House whenever it's your Pleasure to peruse them.

I am further ordered to acquaint your Honors that they have appointed Dr. Lorimer Mr. Ross and Mr. Barrow to inspect the Journals of the Council."

Ordered that Mr. Ross do wait upon their Honors with the same who returning reported the Delivery thereof.

The Ingrossed Bill intituled An Act empowering the Magistrates and Freeholders of Charlotte County occasionally to prohibit the selling of Rum, or other strong Liquors to the Indians, was read a Third time.

Ordered that the same do pass.

Ordered that Mr. Speaker do sign the same.

Mr. Lorimer from the Committee for preparing an Address to his Honor for his Speech reported that they had prepared one, which they had directed him to report when the House would be pleased to receive the same.

Ordered that the same be now received and Read.

The Address was Read accordingly.

Motion was made and agreed to that the said address be Committed.

Then the House resolved themselves into a Committee and after some time spent therein, Mr. Speaker resumed the Chair and Mr. Lorimer from the Committee reported that they had gone through the Address and desired him to make a Report when the House would be pleased to receive the same.

Ordered that the Report be now made.

Then Mr. Lorimer read the Address and delivered the same in at the Table where being again Read by the Clerk was agreed unto by the House.

Ordered that the Address be Ingrossed.

The following Message was sent to the Council.

May it please your Honor's, "We are ordered by the House to acquaint your Honors that they have prepared a Bill intituled An Act empowering the Magistrates and Freeholders of Charlotte County occasionally to prohibit the selling of Rum or other Strong Liquors to the Indians and desire the Concurrence of your Honors thereto."

Ordered that Mr. Blommart and Mr. Crozer do wait upon their Honors with the same who returning reported the Delivery thereof.

The House Adjourned till Eleven o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Saturday May 23d. 1767

The House met according to Adjournment.

Present Mr. Speaker, Mr. Lizars, Mr. Ross, Mr. Neil, Mr. Blommart, Mr. Crozer, Mr. Barrow, Mr. Benjamin Ward, Doctor Lorimer.

The Minutes of Yesterday were read.

The Ingrossed Address to his Honor was read in the following Words Vizt.

May it please your Honor, "We the Representatives of his Majesty's most dutifull and loyal Subjects of the Province of West Florida in general Assembly met, beg leave in the Name of our Constituents humbly to thank your Honor for calling us together for the dispatch of publick Business.

We are happy in having on our part so far coincided with your Honors Intention's as to have already made several Amendments to some Acts which have been found Deficient.

Sensible of the Necessity of Publick Communications in our Situation, we last Session joined in a general Memorial to the Lords of Trade and Plantations praying the Aid of our Mother Country in that as well as the other Necessary Expences of this our Infant State, and though we have not the least reason to suspect our being Neglected in such Circumstances, Yet that Nothing in our Power might seem to be Wanting, We have passed One Bill for laying a Duty on Foreign Lumber and another is prepared for applying the Money arising from this and from every other Tax, Fine or Forfeiture which has been already disposed of, for and towards Establishing Ferry's and opening a Road to Mobile.

We have reason to hope that this Session and Assembly will soon be finished, with the Candour, Temper and Moderation Necessary in every Branch of the Legislature.

Whether any private or peculiar Views may interfere with the good of this Community which we have the Honor to represent can better be determined by Facts than Words.

We shall always look upon it as an Essential part of our Duty to detect and redress such Grievances as far as in our Power or to present them to Your Honor in their most Glowing Colower.

Happy is your Honor's Publick declaration's of supporting the Rights and Liberties of his Majestys Subjects We beg leave

to assure your Honor that by pursuing such laudable designs you may Command the Voice of the Publick and meet with the Concurrence of their House of Representatives.

In Promoting Harmony and Unanimity and by such a steady exact and Impartial Administration of Justice as your Honor was pleased on a former Occasion to resolve upon you must Merit the Approbation of our Gracious Sovereign and the Acknowledgments of all his Subjects."

Resolved that the said Address do pass.

Ordered that Mr. Speaker do sign the same.

A Message to His Honor the Lieutenant Governor—

May it please your Honor, "We are Ordered by the House to acquaint your Honor that they having an humble Address to present desire to know when it will please your Honor to be attended."

Ordered that Mr. Neil and Mr. Crozer do wait upon his Honor with the same, who returning brought a Letter directed to Mr. Speaker and Gentlemen of the House of Assembly which being opened by the Speaker and read and delivered to the Clerk was read again and is as follows.

Mr. Speaker and Gentlemen of the Assembly, "I am extreamly happy to find that you proceed Cheerfully with the Publick Business of the Colony. I will not therefore take up any of your Time in receiving Addresses or Answering them."

Pensacola May 23d. 1767

Montfort Browne"

A Motion was made and agreed to that the House resolve themselves into a Committee upon his Honor's Letter.

The House resolved themselves into a Committee accordingly and after some time spent therein the House resumed and Mr. Lizars from the Committee reported that they had taken the said Letter into Consideration and obtaining leave of the House the Minutes of the said Committee be read and delivered the same is at the Table, where being read by the Clerk are as follows Vizt.

Mr. Neil informed the Committee that having waited upon his Honor the Lieutenant Governor in Consequence of the Order of the House with the Message and having read the same delivered it to his Honor, That his Honor then delivered to him the Letter referred to this Committee saying at same Time, "This Letter will answer every Purpose."

Mr. Crozer informed the Committee that after said Message was delivered to his Honor, he asked his Honor if he would be pleased to return the Copy of the Address as the House wanted to make some Alteration's therein relative to the Lumber Act, That by the Answer his Honor was pleased to make he Mr. Crozer understood that he was to receive from Mr. Collins. His Honor retiring Mr. Collins came and said His Honor received no such Paper from the Assembly but that a Negroe Boy had brought a Paper to His Honor last Night about Eleven o'Clock.

Mr. Ross informed the Committee that agreeable to the Intention of the House he Yesterday made a Copy of the House's Address and called Twice at the Lieutenant Governor's House between the Hours of Four and Six in the Afternoon in order to deliver the same in a private manner to his Honor as is Customary, but finding no Person at his Honor's House with whom he could leave the same. He afterwards several times called at the House and office of Mr. Collins his Secretary, but Mr. Collins not being to be found, Mr. Ross between the Hours of Seven and Eight in the Evening Inclosed the said Copy in a sealed Cover directed to His Honor Lieutenant Governor Browne and carried the same to the House of Mr. Robert Collins and delivered it to one Peter Thompson his Servant in order to be delivered to Mr. Collins at the same time acquainting said Thompson that it was Necessary the said Packet should be delivered to His Honor that Night.

Mr. Ross further informed the said Committee that he saw said Peter Thompson this morning who informed him that he had delivered the said Packet to His Honor about Eight o'Clock last Night.

Motion was made and agreed to that Peter Thompson be ordered to Attend the Committee.

Peter Thompson attending and being examined upon Oath, says that soon after he had received the letter from Mr. Ross directed to His Honor the Lieutenant Governor he went to the Lieutenant Governor's House in order to deliver the same to Mr. Collins and being told by the Centry at the Lieutenant Governor's Door That Mr. Collins was just gone up Stairs he went to look for Mr. Collins, and met the Lieutenant Governor in his Gallery and delivered the said Letter into the Lieutenant Governor's Own Hands.

Motion was made that the Minutes of the House and Committee be Communicated to His Honor.

Ordered that Mr. Ross, Mr. Lizars and Mr. Barrow do Communicate the same and beg a further Explanation of His Honor, who returning made the following Report Vizt.

That they had agreeable to the Order of the House communicated to His Honor part of the Minutes of the Day and also the Minutes of the Committee of the whole House.

That His Honor was pleased to say that the Examination upon Oath of Peter Thompson before the Committee was false, and that he had not received the Copy of the Assembly's Address from him, but that the same was delivered to him by a Negroe about Eleven o'Clock last Night.

That His Honor was pleased to Complain of the Assembly's Resolution's of the Third of April and Informed them that the Council had Nem. Con.

Resolved that the said Resolution's of the Assembly were False, Groundless and Malicious.

That the Members having signified to His Honor that they hoped he was not dissatisfied with any part of the Copy of the Address sent him.

His Honor was pleased to Answer that he did not think that the same was so Complaisant as he had a Right to Expect considering his having put up with the Houses former Resolution's.

That upon the Members desiring that His Honor would be pleased to acquaint them what Answer they should Report to the House, His Honor was pleased to say that he was Obligated to the Gentlemen, but did not want to Trouble the House in making any Address to him.

The House Adjourned till Five o'Clock this Afternoon.

Frans. Poussett Speaker.

Saturday May 23d. 1767 Five o'Clock

The House met according to Adjournment.

Present Mr. Speaker, Mr. Lorimer, Mr. Lizars, Mr. Ross, Mr. Barrow, Mr. Benjamin Ward, Mr. Crozer, Mr. Blommart, Mr. Neil.

The House resolved itself into a Committee upon the Report made by the Members who were appointed to wait upon His Honor

and after some time spent therein, Mr. Ward from the Committee reported that they had come to some Resolution's which they had directed him to Report when the House would be pleased to receive the same.

Ordered that the same be now Received and Read.

Then Mr. Ward in his Place read the said Resolu's and delivered them in at the Table where being again Read by the Clerk were agreed unto by the House and are as follows Vizt.

The Resolutions of the third of April were Read and Unanimously approved of. It was likewise.

Resolved Nem. Con. That this House are sufficiently able to prove every Assertion made in their Resolution's of the Third of April last and that they will be ready to make the same Incontestably appear when called upon.

Resolved Nem. Con. That if the Honorable the Council of this Province have passed any Resolution or Declaration importing that the Resolutions of the House of the Third of April were False Groundless and Malicious, The Council have therein acted Contrary to the Proceedings of every Judicial Body under the British Governm't Inasmuch as they never have Examined whether there was any Evidence to support the facts stated in the said Resolution's, or not.

Resolved Nem. Con. That in the Address proposed to be presented to His Honor by this House, and now upon the Minutes, there is no disrespect shewn to His Honor; on the Contrary that the same is a proper Answer to his Honor's Speech of the Eighteenth Instant and that the Respect due to His Majesty's Representative induced them to prepare according to the several Customs on such Occasions observed by every Assembly in the British Dominion's in America; And, that the Notice taken of His Honor's Speech upon the Reading of his Commission during the Third Prorogation of the Assembly was likewise Meant and intended as a Compliment.

Resolved Nem. Con. That, His Honors Letter and Refusal to receive the Address of the House are unprecedented.

Resolved that no such Proceedings nor Irregularities introduced by any Person or Power whatsoever shall prevent this House from going on with the Essential Business of the Session.

A Motion was made that His Honor's Speech on the Reading of his Commission referred to in the Houses Address be entered on the Minutes.

The said Speech being produced is as follows Vizt.

Gentlemen of the Council and Assembly, "Agreable to the Powers wherewith I am Invested and which you have just heard read, I shall now take upon me the Government of this Province, and do in the most serious manner declare to you and all present my determined Resolution to Contribute as far as in my power to advance the Trade and Interest thereof, to suppress the Seeds of Dissention and Discord, to promote Harmony and Unanimity both Publick and Private, and by a Steady, Exact and Impartial Administration of Justice endeavor to merit the Approbation of my Royal Master, and the Acknowledgments of all his Subjects, and others who shall come into this Province."

The House Adjourned till Ten o'Clock Monday Morning.

Frans. Poussett Speaker.

Monday May 25th. 1767

The House met according to Adjournment.

Present Mr. Speaker, Mr. Lorimer, Mr. Ross, Mr. Crozer, Mr. Benj'n Ward, Mr. Blommart, Mr. Neil, Mr. Lizars, Mr. Aird, Mr. Barrow.

The Minutes of Saturday were read and approved of.

Complaint having been made that William Duncan Constable had last Night admitted some disorderly Company into the Assembly House and the said Complaint being proved.

Ordered that the said William Duncan be committed to the common Gaol during the Pleasure of the House.

The Bill for the Order and Government of Slaves was read a second Time and ordered to be Committed.

Mr. Ward from the Committee for preparing Bills for clearing the Streets of Pensacola and for preventing Nuisances in and about the said Town reported they had gone through the same and was ready to make a report when the House would be pleased to receive the same.

Ordered that the same be now Received and read.

The same was read a Third time accordingly.

The Petition of William Duncan in Gaol was read who acknowledged his Fault and humbly begged the Honourable House would take the Case of their Petitioner into Consideration and Release him.

Ordered that he be Released accordingly.

A Message from the Council— Mr. Speaker, "I am Comanded by the Council to acquaint the House of Assembly that they have agreed to their Bill entitled An Act empowering the Magistrates and Freeholders of Charlotte County occasionally to prohibit, the selling of Rum and other Strong Liquors to the Indians with the following Amendments Vizt. In the Sixteenth Line of the first Section "Excepting the Superintendent or his lawful Deputy in Execution of his Duty."

Tuesday May 26th. 1767

The House met According to Adjournment.

Present Mr. Speaker, Mr. Lorimer, Mr. Crozer, Mr. Neil, Mr. Ross, Mr. Lizars, Mr. Ward, Mr. Blommart, Mr. Aird, Mr. Barrow.

The Minutes of Yesterday were read.

The Bill intituled "An Act for clearing the Streets of Pensacola and preventing Nusances in and about the said Town," was read a Second time and Ordered to be Committed.

A Motion was made by Mr. Neil That he had lately a Negroe Man Executed at Mobile belonging to him. That according to the Negroe Act Provision is made for a Compensation to the Owners of Slaves executed and agreeable to that Clause the Justices and Freeholders had Valued his Negroe at the sum of Two Hundred Dollars wherefore he moved that the House would take the same into Consideration.

Ordered That Mr. Lorimer, Mr. Ward, Mr. Barrow, Mr. Ross, and Mr. Lizars be a Committee to enquire into Ways and Means for Providing a Fund to Compensate such Owners of Slaves as may have their Slaves Executed.

Mr. Ward from the Committee appointed to prepare Bills reported That they had prepared a Bill intituled "An Act concerning Attachments and for Regulating "The Marshall's Proceedings" and that he was ready to make a Report thereof, when the House would be pleased to receive the same.

Ordered that the said Bill be now Received and read a first Time.

The said Bill was read a first Time.

Ordered that the said Bill be read a second Time tomorrow.

A Message to the Council. May it please your Honor's, "We are ordered by the House to acquaint your Honor's that they desire to withdraw the Bill Intituled An Act for granting certain Duties to His Majesty on all Lumber and other Materials for Building Imported into this Province from Foreign parts."

Ordered that Mr. Lizars and Mr. Blommart do wait on their Honor's with the same who returning Reported that their Honor's said they would return the same.

The House Adjourned till Ten o'Clock tomorrow morning.

Frans. Poussett Speaker.

Wednesday May 27th. 1767

The House met according to Adjournment.

Present Mr. Speaker, Mr. Barrow, Mr. Lizars, Mr. Crozer, Mr. Neil, Mr. Ross, Mr. Aird, Mr. Blommart.

The Minutes of Yesterday were Read.

Mr. Barrow from the Committee appointed to enquire into Ways and Means for raising a fund to Compensate the Owners of such Slaves as may be Executed in this Province having obtained leave of the House reported that having taken the same into Consideration they were of Opinion that a Bill ought to be brought in for laying a Duty on all Negroes and other Slaves, imported into this Province from any of His Majesty's other Colonies in America, such Negroes or Slaves having resided there above Twelve Months, and the Duty arising therefrom to be applied to the above purpose.

Ordered that the Committee for preparing Bills, do prepare a Bill for the above Purpose.

Motion was made that the Opinion of Mr. Chief Justice be required in Regard to the Legality or Illegality of the Importation of Lumber from New Orleans or any other Foreign Port into this Province and that the same may be given in Writing.

Ordered that Mr. Speaker do by Letter desire his Opinion accordingly.

The Bill intituled An Act concerning Attachments and Regulating the Marshalls Proceedings was Read a second Time.

Ordered that the said Bill be Committed.

Mr. Ward Chairman of the Committee for preparing Bills Reported that they had prepared a Bill Intitled "An Act Appointing perpetual Administrators" which was ready to Report when the House would be pleased to receive the same.

Ordered that the same be now Received and Read.

The said Bill was received and Read a first Time.

Ordered that the said Bill be Read a Second Time.

The House Adjourned till Ten o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Thursday May 28th. 1767

The House met According to Adjournment.

Present Mr. Speaker, Mr. Lorimer, Mr. Ross, Mr. Crozer, Mr. Benjamin Ward, Mr. Blommart, Mr. Neil, Mr. Lizars, Mr. Aird, Mr. Barrow.

The Minutes of Yesterday were Read.

Motion was made and agreed to that the Surveyor General be ordered to lay before the House a plan of the Town of Pensacola, in the manner it now stands on Monday next.

The Ingrossed Bill intituled an Act Constituting Commissioners for the Examination and appointment of Pilots and for Establishing Rates of Pilotage for the Harbour of Pensacola was Read a third Time.

Resolved that the said Bill do pass.

Ordered that Mr. Speaker do sign the same.

The House resolved itself into a Committee upon the Bill Intitled an Act for Clearing the Streets of Pensacola and Preventing Nuisances in and about said Town; and after some time spent therein Mr. Ward from the Committee reported that they had gone through the same and made several Amendments which he was ready to report, when the House would be pleased to receive the same.

Ordered that the Report be now made.

Then Mr. Ward in his Place Read the said Bill with the Amendments and delivered the same in at the Table where being again Read by the Clerk were agreed unto by the House.

Ordered that the said Bill be engrossed and read a thjrd Time.

Ordered that Mr. Speaker do issue his Warrant to the Receiver General for the Payment of Six Months Sallary to the Clerk and Messenger.

The House Adjourned till Eleven o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Friday May 29th. 1767

The House met According to Adjournment.

Present Mr. Speaker, Mr. Crozer, Mr. Neil, Mr. Lizars, Mr. Lorimer, Mr. Barrow, Mr. Ross, Mr. Aird, Mr. Ward.

The Minutes of Yesterday were Read.

The House resolved itself into a Committee on the Bill Intitled an Act for the Order and Government of Slaves and after some time spent therein the House resumed itself and Mr. Barrow from the Committee reported they had gone through the same and made several Amendments thereto which they had directed him to Report to the House when the House would be pleased to Receive the same.

Ordered that the Report be now Made.

Then Mr. Barrow in his Place read the Amendments and delivered them in at the Table where they being again severly Read by the Clerk, were agreed unto by the House.

Ordered that the said Bill with the Amendments be Ingrossed.

The House according to Order resolved itself into a Committee of the whole House on the Bill Intitled an Act concerning Attachments and for Regulating the Marshall's Proceedings and after some time spent therein, Mr. Speaker resumed the Chair and Mr. Benjamin Ward from the Committee reported they had gone through the same and had made several Amendments thereto, which they had directed him to Report to the House when the House would be Pleased to receive the same.

Ordered that the Report be now made.

Then Mr. Ward in his Place read the Amendments and delivered them in at the Table where they being again severly read by the Clerk were agreed unto by the House.

Ordered that the said Bill with the Amendments be Engrossed.

The House Adjourned till Ten o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Saturday May 30th. 1767

The House met according to Adjournment.

Present Mr. Speaker, Mr. Lorimer, Mr. Benjamin Ward, Mr. Crozer, Mr. Blommart, Mr. Barrow, Mr. Ross, Mr. Aird, Mr. Neil.

The Minutes of Yesterday were Read.

The Ingrossed Bill Intitled an Act for Clearing the Streets of Pensacola and for preventing Nuisances in and about the said Town was Read a third Time.

Resolved that the same do pass.

Ordered that Mr. Speaker do sign the same.

The following Message was sent to the Council.

May it please your Honors, "We are Ordered by the House to acquaint your Honor's that they have prepared a Bill Intitled An Act for clearing the Streets of Pensacola and for preventing Nuisances in and about the said Town and desire the Concurrence of your Honor's thereto."

Ordered that Mr. Lorimer and Mr. Lizars do wait on their Honor's with the same, who returning reported the Delivery thereof.

The House resolved itself into a Committee upon the Bill Intitled An Act appointing Commissioners for Building a Markett House, Regulating Marketts and for applying certain sums of Money for Establishing a Ferry at the River Perdido and towards opening a Road from Pensacola to the Bay of Mobile, and after some time spent thereon Mr. Lorimer from the Committee reported that they had gone through the same and had directed him to make a Report when the House would be pleased to receive the same.

Ordered that the same be now Received and Read.

The same was received and Read Accordingly.

Ordered that the said Bill be Ingrossed.

The House Adjourned till Ten o'Clock Monday Morning.

Frans. Poussett Speaker.

Monday June 1st. 1767

The House met according to Adjournment.

Present Mr. Speaker, Mr. Aird, Mr. Crozer, Mr. Neil, Mr. Barrow, Mr. Lorimer, Mr. Ross, Mr. Benjamin Ward, Mr. Lizars.

The Minutes of Yesterday were Read.

Mr. Ward from the Committee for preparing Bills reported that they had prepared a Bill Intitled an Act for raising a Fund to be applied towards Compensating such Persons as have or May have Slaves Executed in this Province and desires to know when the House would be pleased to receive the same.

Resolved that the same be now received and Read.

The same was Read a first Time.

Ordered that the same be Read a second Time tomorrow.

The Ingrossed Bill intituled an Act concerning Attachments and for regulating the Marshalls Proceedings was read a Third Time.

Resolved that the same do Pass.

Ordered that Mr. Speaker do sign the same.

The following Messages was sent to the Council.

May it please your Honor's, "We are Ordered by the House to acquaint your Honor's that they do agree to your Amendments in the Act Intitled an Act Impowering the Magistrates and Freeholders of Charlotte County, Occasionally to Prohibit the selling of Rum or other strong Liquors to the Indians."

May it please your Honor's, "We are Ordered by the House to acquaint Your Honor's that they have passed a Bill intituled an Act concerning Attachments and for Regulating the Marshall's Proceedings An Act constituting Commissioners for the Examination and Appointment of Pilots and for Establishing Rates of Pilotage for the Harbour of Pensacola, and desire the Concurrence of your Honor's to the said Bills."

May it please your Honor's, We are ordered by the House to acquaint Your Honors that some Doubts having arisen upon the Legallity of importing Lumber and other Materials for Building from Foreign parts they desire to withdraw their Bill sent to your Honors entitled an Act granting certain Duties to his Majesty on all Lumber and other Materials for Building Imported into this Province from Foreign Parts and for applying the same to certain Purposes, but having applied to the Chief Justice for his Opinion, he has been pleased to say that he thinks the Importation of Lumber and other Materials for Building to be Legal, We are therefore Ordered by the House to acquaint your Honors that they have returned the said Bill and desire the Concurrence of your Honors thereto."

The House Adjourned till Ten o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Tuesday June 2nd. 1767

The House met according to Adjournment.

Present Mr. Speaker, Mr. Ross, Mr. Barrow, Mr. Crozer, Mr. Lizars, Mr. Neil, Mr. Aird, Mr. Lorimer, Mr. Ward.

The Minutes of Yesterday were Read.

The Ingrossed Bill Intituled an Act appointing Commissioners for Building a Markett House, Regulating Marketts and for applying certain sums of Money for Establishing a Ferry at the River Perdido and towards Opening a Road from Pensacola to the Bay of Mobile was Read a third Time.

Resolved that the same do pass.

Ordered that Mr. Speaker do sign the same.

An Act appointing perpetual Administrators was Read a Second Time.

Ordered that the said Bill be Committed.

A Message from the Lieutenant Governor.

Mr. Speaker, "I am Commanded by his Honor the Lieutenant Governor to desire that the Journals of the House of Assembly may be brought him for his Inspection."

Ordered that the Clerk do wait upon His Honor with the same.

The Ingrossed Bill Intituled an Act for the Order and Government of Slaves was Read a Third Time.

Resolved that the same do Pass.

Ordered that Mr. Speaker do sign the same.

The following Message sent to the Council.

May it please your Honors, "We are Ordered by the House to acquaint your Honors-that they have passed the following Bills Vizt. An Act for appointing Commissioners for Building a Markett House and Regulating Marketts and for applying certain sums of Money for Establishing a Ferry at the River Perdido and towards opening a road from Pensacola to the Bay of Mobile. An Act for the Order and Government of Slaves and desire the Concurrence of your Honors thereto."

Ordered that Mr. Neil and Mr. Ross do wait upon their Honor's with the same, who returning Reported the Delivery thereof.

The Bill intituled An Act for raising a Fund to be applyed towards Compensating such Persons as have or may have Slaves Executed in this Province was Read a second Time.

Ordered that the said Bill be Committed tomorrow.

A Memorial of Jeremiah Terry and Evan Jones setting forth That the Memorialists were well informed that many Negroes lately Landed from on Board the Schooner Fanny John McCoy Master are Infected with the Yaws and that they were not permitted to be sold in Georgia on that very Account and praying the Honor would take the same into Consideration and prevent the Consequences that would Ensue from so Contiguous a Disorder spreading among the Negroes of the Colony was presented and Read.

Ordered that Mr. Lizars, Mr. Aird, Mr. Neil, Mr. Ward and Mr. Ross be a Committee to enquire into the Truth of the Allegations set forth in said Memorial and to report the same to the House immediately.

Mr. Lizars from the Committee to whom the Memorial of Evan Jones and Jeremiah Terry was referred Reported as follows Vizt.

"Your Committee appointed to enquire into the Allegations of the Memorial of Evan Jones and Jeremiah Terry have examined them accordingly and find them to be true and your Committee are of Opinion that application ought to be immediately made to the Lieutenant Governor to have the Negroes mentioned in the Memorial removed from the Town of Pensacola to St. Roses Island or some other place at a proper Distance from the said Town to prevent the Infection Spreading."

Resolved that the House do agree to the same.

Ordered that Mr. Lizars, Mr. Barrow and Mr. Aird be a Committee to wait upon his Honor and request his giving Orders to the above Purpose who returning reported that His Honor was pleased to say that he would Order the same to be done immediately.

Mr. Ward from the Committee for Framing Bills Reported that they had prepared a Bill entitled an Act to amend an Act entitled an Act for granting of Licences to Retailers of Spiritous Liquors imposing a Duty on said Licences and for Regulating Taverns and Publick Houses and desired to know when the House would be pleased to receive the same.

Ordered that the same be now Received.

The same was Received accordingly and Read the first Time.

Ordered that the same be read a second Time tomorrow.

The following Message was received from the Council.

Mr. Speaker, "I am Commanded by the Council to acquaint the House of Assembly that they have agreed to their Bill entitled an

Act for Clearing the Streets of Pensacola and for preventing Nuisances in and about the said Town with the following Amendments."

In the Twelfth Line of the first Section read, as may be upon the Beach Occasionally. In the Fifth Line of the Fourth Section delete Ten feet and insert Fifteen feet.

Make the place proper for Washing to be at the West end of Mansfield Street at the West End of the Town, and the place at the East end of the Town to be at the South Front of the Garden Lott Number One Hundred and Fifty seven.

Mr. Speaker, "I am Commanded by the Council to acquaint the House of Assembly that they have received their two Bills First Intitled an Act Constituting Commissioners for the Examination and appointment of Pilots and for Establishing Rates of Pilotage for the Harbour of Pensacola.

"Second an Act Concerning Attachments and for Regulating the Marshall's Proceedings.

"Which they have taken into Consideration."

Mr. Speaker, I am Commanded by the Council to acquaint the House of Assembly that they have received their Bill Intitled an Act for granting certain Duties to his Majesty on all Lumber and other Materials for Building Imported into this Province from Foreign Parts and for applying the same to certain Purposes.

"Which they have agreed to."

Mr. Speaker, "I am Commanded by the Council to acquaint the House of Assembly that they have Received Their Three Bills First Intitled an Act appointing Commissioners for Building a Markett House regulating Marketts and for applying certain sums of Money for establishing a Ferry at the River Perdido and towards opening a Road from Pensacola to the Bay of Mobile.

"Second an Act for the Order and Government of Slaves Third an Act empowering the Magistrates and Freeholders of Charlotte County Occasionally to prohibit the selling of Rum or other strong Liquors to the Indians.

"Which they have taken into Consideration."

Mr. Speaker, "I am Commanded by the Council to acquaint the House of Assembly that they have agreed to their Bill Intitled an Act Impowering the Magistrates and Freeholders of Charlotte

County Occasionally to prohibit the selling of Rum or other Strong Liquors to the Indians which they return."

The House Adjourned till Ten o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Wednesday June 3d. 1767

The House met according to Adjournment.

Present Mr. Speaker, Mr. Barrow, Mr. Aird, Mr. Neil, Mr. Crozer, Mr. Lizars, Mr. Lorimer, Mr. Ross, Mr. Daniel Ward.

The Minutes of Yesterday were Read.

The Bill Intituled an Act to amend an Act entitled an Act for granting Licences to Retailers of Spiritous Liquors imposing a Duty on said Licences and for Regulating of Taverns and Publick Houses was read a second Time.

Ordered that the said Bill be Committed.

The House resolved itself into a Committee of the whole House on the following Bills Vizt.

An Act to amend an Act entitled an Act for granting of Licences to Retailers of Spiritous Liquors imposing a Duty on said Licences and for Regulating of Taverns and Publick Houses.

An Act for raising a fund to be applied towards Compensating such Persons as have or may have Slaves Executed in this Province, and after some time spent therein Mr. Speaker resumed the Chair and Mr. Lizars from the Committee reported they had gone through the said Bills and had made several Amendments therein which they had directed him to Report when the House would be pleased to receive the same.

Ordered that the Report be now made.

Then Mr. Lizars in his place read the Amendments and delivered them in at the Table, where they being again severly Read by the Clerk were agreed unto by the House.

Ordered that the said Bills be Engrossed and Read a Third Time.

The House according to Order Resolved itself into a Committee of the whole House upon the Bill entitled An Act for Appointing perpetual Administrators and after some time spent therein the House resumed and Mr. Barrow reported that they had gone

through the said Bill and made several Amendments thereto which they had directed him to report when the House would be pleased to receive the same.

Ordered that the same be now received and read.

Then Mr. Barrow in his place read the Amendments and gave them in at the Table where being again read by the Clerk were agreed unto by the House.

Ordered that the said Bill with the Amendments be ingrossed and read a third Time tomorrow.

The House Adjourned till Eight o'Clock on Friday Morning.

Friday June 5th. 1767

Present Mr. Speaker, Mr. Barrow, Mr. Lizars, Mr. Benj'n Ward, Mr. Lorimer, Mr. Aird, Mr. Neil, Mr. Crozer, Mr. Ross.

The Minutes of Yesterday were read.

The following Message received from the Council.

Mr. Speaker, "I am Commanded by the Council to acquaint the House of Assembly that they have agreed to their Bill intituled An Act appointing Commissioners for Building a Markett House, regulating Markets and for applying certain sums of Money for establishing a Ferry at the River Perdido and towards opening a Road from Pensacola to the Bay of Mobile with the following Amendments,— In the fifth Line of the first Section appoint Elias Durnford and Captain Varloe Esquires Commissioners, in the Sixth Line of the fifth Section drop Fifty Pounds Sterling and insert Thirty in the Eighth Line of the seventh Section nothing to be allowed for a Certificate of Huckstering in the Street, nor nothing for storing Provisions. In the Tenth Line of the same section proof of False Weights or Measures a forfeiture at the first Offence Ten Shillings and for second Offence Thirty Shillings and for every Offence after that Five Pounds Sterling to be levied by Warrant of Distress one half to His Majesty for and towards the support of the Government of this Province and the other half to the Informer."

Mr. Speaker, "I am Commanded by the Council to acquaint the House of Assembly that they have agreed to their Bill intituled An Act concerning Attachments and for Regulating the Marshall's Proceedings with the following Amendments in the second Line of the Third Section after the word *in* insert *sufficient Bail*. In the

seventh Line of the seventh Section after the word *Contract* inserted provided such Sale by him privately made shall be for reasonable Value."

The following ingrossed Bills were read a third time Vizt.

"An Act to amend an Act for granting of Licences to retailers of spirituous Liquors imposing a Duty on said Licences, and for Regulating of Taverns and Publick Houses."

"An Act for raising a fund to be applied towards Compensating such Persons as have or may have Slaves executed in this Province, and an Act for appointing perpetual Administrators."

Ordered that the said Bills do pass.

Ordered that Mr. Speaker do sign the same.

The following Message sent to the Council.

May it please your Honors, "We are ordered by the House to acquaint your Honors that they have passed the following Bills, Vizt.—

A Bill Intitled an Act appointing perpetual Administrators. A Bill Intitled an Act for raising a Fund to be applied towards Compensating such Persons as have or may have Slaves executed in this Province.

A Bill Intitled an Act to amend an Act Intitled an Act for granting of Licences to retailers of Spiritous Liquors imposing a Duty on said Licences and for regulating of Taverns and Publick Houses, and desire the Concurrence of your Honors to said Bills."

The following Message received from the Council.

Mr. Speaker, "I am Commanded by the Council to acquaint the House of Assembly that they have received their Message with the following Bills First, An Act for appointing perpetual Admtors. Second, An Act for raising a Fund to be applied towards Compensating such Persons as have or may have Slaves executed in this Province. Third, An Act to amend an Act Intitled an Act for granting of Licence to retailers of Spiritous Liquors, imposing a Duty on said Licences and for Regulating of Taverns and Publick Houses which they have taken into Consideration."

Motion was made that a Committee be appointed to Inspect into the present State of the Courts of Justice and the Gaol at Pensacola and to make a Report thereof.

Ordered that Mr. Ross, Mr. Lorimer, Mr. Neil, and Mr. Aird be a Committee for that Purpose.

The House Adjourned till Ten o'Clock tomorrow Morning.

Saturday June 6th. 1767

The House met according to Adjournment.

Present Mr. Speaker, Mr. Barrow, Mr. Lizars, Mr. Benj'n Ward, Mr. Lorimer, Mr. Aird, Mr. Crozer, Mr. Neil, Mr. Ross.

The Minutes of Yesterday were Read.

Dr. Lorimer from the Committee appointed to enquire into the State of the Courts of Justice and of the Gaol at Pensacola reported to the House that it appeared to the Committee that the Chancellor of this Province had lately reversed the Verdict of a Jury and that there was One Apartment only for Felons and Debtors in Gaol.

The House having taken the Report in Consideration were pleased to come to the following Resolutions.

1st.— That in all cases where the Plaintiff hath his Remedy at Common Law he ought not to be relieved in Chancery nor can that Court relieve where the Substance of the Suit tends to the Overthro' of an Act of Parliament or of any fundamental part of the Common Law.

2d.— That if in our present Situation such Things have happened they cannot be Considered Precedents to deprive His Majesty's Subjects of the benefits of being judged by their Peers.

3d.— That this House will Contribute to the hire of separate Apartments for Debtors.

A Message from His Honor the Lieutenant Governor desiring the immediate Attendance of the House.

The House accordingly Attended when His Honor was pleased to give His Assent to the following Bills, Vizt.

An Act appointing Commissioners for building a Market House, Regulating Markets and for applying certain sums of Money for establishing a Ferry at the River Perdido and towards opening a Road from Pensacola to the Bay of Mobile.

An Act for the Order and Government of Slaves.

An Act empowering the Magistrates and Freeholders of Charlotte County occasionally to prohibit the selling of Rum or other strong Liquors to the Indians.

An Act for granting certain Duties to His Majesty on all Lumber and other Materials for building imported into this Province from foreign parts and for applying the same to certain Purposes.

An Act for clearing the Streets of Pensacola and for preventing Nuisances in and about the said Town.

An Act to amend and render more Effectual an Act Intituled an Act for granting certain Duties to His Majesty to be applied towards supporting the Government of this Province.

An Act concerning Attachments and for regulating the Marshalls Proceedings.

His Honor was then pleased to dissolve the General Assembly by a Speech of which the following is a Corrected Copy.

Mr. Speaker and Gentlemen of the Assembly: When I called you together for the dispatch of Public Business I met you with a Heart truly disposed to join in promoting the Welfare and Happiness of this infant Colony. But on reading your Journals I find much of your Attention taken up in unworthy Attempts to throw Reflections upon my Conduct and the Opinions of His Majesty's Council upon the most insolent and shameful Resolutions that any Assembly ever presented to a Governor, and I suppose your Journals followed from any passing over your daring Resolutions unnoticed. But be assured my Moderation proceeded only from any wishing to have you carry through the Business with Alacrity and Reputation to this Colony, and not in swallowing up in the most surprising manner the very means which should be supplied to its support.

What must other Colonies think of you when they know you tax the Subjects merely for your own Benefit and Advantage.

I sincerely hoped your Journals would have produced to the World a lasting Monument of Disinterestedness by giving up for the Improvement of the Colony the great Sallary's which you have taken to yourselves.

Such Grievances call aloud for Redress and I will redress them and make them publicly known that the People may have an Opportunity of contributing to their own Happiness hereafter by a more proper Choice of their Representatives.

I do therefore in His Majesty's Name and by and with the Advice of His Council dissolve this present Assembly and you are hereby dissolved accordingly.

June 5th. 1767

Montfort Browne

(SESSION: DECEMBER 15, 1767—JANUARY 11, 1768)

Tuesday 15th. December 1767

The Members of the Assembly being met according to Prorogation, Mr. Henry and Mr. Aird went and acquainted his Honor therewith; and soon after the Honorable Alexander Moore and Daniel Clark Esquires Two of His Majesty's Council attended by their Clerk, came to the House and administered the usual Oaths to the Members who took the same and made and subscribed the Declaration. And then the said Gentlemen of the Council informed the Members that his Honor in His Majesty's name had ordered them to Command the House to proceed to the Choice of a Speaker immediately.

Then the House Unanimously chose Francis Poussett Esquire their Speaker, and thereupon he was Conducted to the Chair.

Ordered that Mr. Henry and Mr. Waugh attend his Honor and acquaint him that the House have made Choice of a Speaker and desire to know when they shall attend his Honor to present him who returning reported the delivery thereof, and that his Honor was pleased to say when the House pleased.

Whereupon the House attended and presented their Speaker, who being approved of demanded in the Name of the House the Usual Priviledges, which his Honor was pleased to grant.

The Members being returned to their own House Mr. Speaker Reported that His Honor was pleased to make a Speech, of which to prevent mistakes he had obtained a Copy.

Mr. Speaker laid before the House a Dedimus he received from his Honor the Lieutenant Gov'r empowering him, Arthur Gordan, and James Ross Esquires, to administer the Oaths appointed by Act of Parliament to be taken by the members of the Assembly as are not already Sworn, and to have and see them respectively Subscribe and repeat the Test.

Then the House Unanimously chose Thomas Hardy Esq'e their Clerk and Mr. William Cox their Messenger—

Whereupon Mr. Robert Ross was Ordered to attend his Honor and desire their Clerk and Messenger might be Sworn, who returning reported that they were Sworn accordingly.

His Honors Speech was read in the following words, Vizt.

Gentlemen of the Council Mr. Speaker and Gentlemen of the Assembly: I would have met you here 'ere now had I not for some

past Daily expected the arrival of His Excellency Governor Elliott appointed by his Majesty Governor of this Province.

Permit me to recommend, Harmony and moderation to you, on which intirely depends the Tranquility of this hitherto divided Colony.

To see you unanimous in your Proceedings, will afford me inexpressable pleasure, to which I shall contribute by a well disposed exertion of my best abilities.

Mr. Speaker and Gentlemen of the Assembly I intirely confide in your diligence and attention to the Public welfare of this Province and as the Holy days are near at Hand, I would recommend dispatch to you, in renewing such Acts as are near expiring and that your sitting may be as Short as possible.

15th. December 1767

Montfort Browne

The Writs of Election for choosing Representatives to serve in this Assembly with the returns thereof, having been sent down to the House and Read, It appeared that the several Representatives herein after mentioned, were returned to serve as Members of this Assembly, Vizt.

	Pensacola	Mobile	Campbell Town
	Arthur Gordon	Francis Poussett	John Lorimer
	Arthur Neil	Benjamin Ward	John Crozer
	William Barrow	Henry Lizars
	Robert Ross	Dougal Campbell
	George Urguhart	James Ross
	Mathew McHenry	Alexander McIntosh
	John Blommart	Daniel Clark
Double Return	{ David Waugh	Daniel Ward
	{ William Aird		

And one of the said Writs with the Return thereof being Ordered to be entered is as follows, Vizt.

West Florida, Ss.

George the third by the grace of God of Great Britain France and Ireland King Defender of the Faith and so forth To the Provost Marshall of the Province of West Florida Greeting Whereas we have thought fit, by and with the advice of our Council of our said Province to Issue our Royal Proclamation declaring our Will and Pleasure for calling a General Assembly as soon as Conveniently may be to meet at Pensacola in our Province aforesaid on the Twenty first Day of October next ensuing, to make, Constitute and Ordain Laws, Statutes and Ordinances for the Public welfare and good Government of our said Province. These are therefore to require you to make Publication of this our Will and Pleasure at the most Public Place in the Town of Campbell Town in the Province aforesaid on the Twenty fifth Day of August instant and then and there to proceed to the Election of Two of the fittest and discretest Freeholders of the said Township then and there present, to appear and serve as their Representatives in the said Assembly. And you are to see that the said Election be freely and indifferently carried without Faction or Interest, And you are immediately after such Election to make a due return thereof and this Writ, Witness His Honor Montfort Brown Esquire and Lieutenant Governor and Commander in Chief in and over the said Province of West Florida Chancellor and Vice Admiral of the same at Pensacola in the Province aforesaid this Eleventh Day of August in the year of Our Lord One Thousand Seven Hundred and sixty seven and in the Seventh Year of our Reign.

Arthur Gordan Reg'r in Chan'ry

(L S)

Montfort Browne

The Execution of this Writ appears by the Indenture hereto annexed.

T Hardy D'y for Execut'g the Writ

West Florida SS.

This Indenture made in the Township of Campbell Town on the Twenty first Day of August in the Seventh year of the Reign of our Sovereign Lord George the Third by the Grace of God of Great Britain France and Ireland King &c Between Thomas Hardy Esquire for Robert Collins Esquire Dy Provost Marshall of the Province aforesaid of the one part, and John Metivier, John Gerault, Paul Chevet, Mathew Portoin, Peter Blanchet, John Girard, John Piquet and Mathew Muston, and many other Persons Electors of Representatives to serve in the Assembly Specified in

the Writ to this Indenture affixed of the other part who as the Major part of the Freeholders of the said Town then and there present have chosen John Lorimer and John Crozer Representatives fit and Discreet to serve for one year Giving and granting to the said Representatives full and Sufficient Power for themselves and the Comonality of the said Town to do and Consent to those Things which at the said Assembly in the Writ mentioned shall be agreed upon concerning the affairs in the said Writ Specified In Testimony whereof to one part of this Indenture Remaining with our Lord the King the said Parties have put their Hands and Seals but to the other part of the said Indenture the said Provost Marshall hath put his Hand and Seal on the Day & at the place above written.

Peter Blanchet	0	John Metivier	0
John Girard	0	John Gerault	0
John Picquet	0	Paul Chevet	0
Mathew Muston	0	Mathew Portoin	0
Peter Lourier	0	Joseph Raulan	0

Motion was made that an humble Address of thanks be prepared to his Honor in return for his Speech, to which the House agreed.

Ordered that Mr. Gordan, Mr. James Ross, Mr. Robert Ross, and Mr. McHenry be a Committee to prepare the same, and all such Members as may Choose to attend.

The following Rules were Read, and Ordered to be the standing Rules of the House.

1st. That the Speaker being Sick, or necessarily absent a Speaker be Chosen for the Time.

2nd. That every Member place himself as he comes in that there may seem no disparity; the Speaker always excepted who must take the Chair.

3rd. That Five be a Quorum to meet and adjourn and to send for absent Members.

4th. That Eight make a Quorum to Act as if all the Members were present and to proceed to all Business.

5th. That this Assembly at rising do adjourn from Time to Time as they shall see convenient for the speedy dispatch of affairs; and that none depart the House without the Speakers leave on any pretence whatsoever.

6th. That every Bill before it Pass be read Three Times with the amendments.

7th. That no Member Speak above Twice to the same Debate without leave of the House and that none presume to speak without rising up and addressing himself to the Speaker.

8th. That such as are appointed of Committees be named by the Speaker and approved by the House.

9th. That the Minutes of the preceeding Day be read every morning before the House proceed to any Business and entered in a Book.

10th. That no Committee continue sitting after the House is met.

11th. That all Persons that will Question any Return are to do it within Five Days next, and so within Five Days next after any new Return shall be brought in.

12th. That every Member who shall absent himself without leave of the House or Speaker, be without further Order taken into Custody, and that the Speaker shall be and he is impowered and required to sign Warrants for those purposes.

13th. That all Persons who shall be Ordered into Custody Pay to the Messenger Two Dollars, and to the Clerk One Dollar for each Day such Person shall remain in Custody.

14th. That all Original Papers shall be lodged in the Hands of the Speaker who is to be answerable to the House for the same.

Motion was made that as Mr. Clark one of the Representatives for Mobile, and Mr. Neil one of the Representatives for Pensacola have been both appointed Members of His Majesty's Council, That Mr. Speaker do issue Warrants for Electing Two Members in their Room.

Ordered that Mr. Speaker do issue his Warrants accordingly.

The House adjourned till tomorrow Morning Ten o'Clock.

Frans. Poussett Speaker.

Wednesday December 16th. 1767

The House met according to adjournment.

Present Francis Poussett Esquire Speaker, John Blommart, Mathew McHenry, Robert Ross, James Ross, George Urguhart, Arthur Gordon, William Aird, David Waugh.

The Minutes of Yesterday were Read.

The following Members were appointed a Committee of Grievances: Mr. Gordon, Mr. James Ross, Mr. Urguhart, Mr. McHenry, and Mr. Robert Ross.

That they sit at such Times as they see Convenient, That they have power to send for Persons Papers and Records, and to Examine all Persons in the most Solemn manner— That Three be a Quorum— That all Members present have Voices.

The following Members were appointed a Committee of Privileges and Elections: Mr. James Ross, Mr. Blommart, Mr. Urguhart, Mr. McHenry, Mr. Gordon, Mr. Robert Ross,

That Four be a Quorum. That they sit at such Times as they see Convenient. That they have power to send for Persons, Papers and Records, and to Examine all Persons in the most Solemn manner. That all Members present have Voices.

Motion was made and agreed unto That the Committee of Privileges and Elections do Enquire into the Double Return of Mr. Aird and Mr. Waugh.

Motion was made that a Committee be appointed to Enquire what Laws are near expiring and which of them are proper to be Continued, and what Bills are necessary to be prepared: And Report the same with their Opinion thereon to the House.

Ordered that the Members appointed for the Committee of Grievances be a Committee for the above purposes and to prepare and bring in Bills.

Motion was made that a Committee be appointed to inspect into the Journals of the Council— Upon which a Debate arose and being put to the Vote was carried in the affirmative.

Ordered that Mr. James Ross, Mr. Lorimer and Mr. Gordon be a Committee to inspect the Journals of the Council accordingly.

Ordered that the following Message be sent to the Council.

May it please your Honors, I am Ordered by the House to acquaint your Honors that they have appointed Mr. James Ross, Mr. Lorimer, and Mr. Gordon a Committee to inspect the Journals of your Board.

Ordered that Mr. McHenry do wait upon their Honors with the same who returning reported the delivery thereof.

A Petition of Crowley Barrow, and another of James Michell and Fisher Tench were Read, and Ordered to be referred to the Committee of Grievances.

Mr. Speaker laid before the House a Copy of a Letter, which he as Speaker of the late Assembly had wrote jointly with the Honourable James Bruce Esquire then President of the Council to Samuel Hannay Esquire, acquainting him of his having been chosen by the Council and Assembly Agent of this Province, together with the Answer received from Mr. Hannay, which were Read.

Ordered that Mr. Gordon, Mr. James Ross, Mr. Lorimer, and Mr. McHenry be a Committee for Correspondence with Mr. Hannay. And that they do at every meeting of Assembly present Copies of their Letters to the Agent with such answers as have been received.

Ordered that the aforementioned Letters be entered in a Book to be kept for the said Correspondence.

The House adjourned till tomorrow morning Ten o'Clock.

Frans. Poussett Speaker.

Thursday December 17th. 1767

The House met according to adjournment.

Present Francis Poussett Esq'r Speaker, Mr. Blommart, Mr. Gordon, Mr. Waugh, Mr. Robert Ross, Mr. Urguhart, Mr. Aird, Mr. McHenry, Mr. James Ross.

The Minutes of Yesterday were Read.

Mr. James Ross from the Committee for preparing an humble Address to His Honor the Lieut't Governor for his Speech reported that they had prepared the same, and desired to know when the House would be pleased to receive it.

Ordered that the same be now received and Read.

Then Mr. Ross in his place read the said Address and delivered in the same at the Table where it was again read by the Clerk.

Motion was made that the said Address be Committed to a Committee of the whole House, which was ordered accordingly. Then the House Resolved itself into such Committee and after some time spent therein Mr. Speaker resumed the Chair, and Mr. Gordon from the Committee reported that they had gone thro' the Address, and had made several Amendments thereto, which they had directed him to report to the House when the House would be pleased to Receive the same.

Ordered that the Report be now made.

Then Mr. Gordon in his place read the said Address with the Amendments, and delivered the same in at the Table where being again read by the Clerk the same was agreed unto by the House.

Ordered that the Address be Engrossed.

Mr. Ross from the Committee for enquiring into what Laws are near expiring and necessary to be continued, as also what Bills are necessary to be prepared, having obtained leave of the House Reported that it was the opinion of the Committee,

That the Money Bill should be Amended and renewed.

That a New Attachment Act be prepared.

Also— A Bill for regulating the Sale of Flour by Weight and to regulate the Assize of Bread.

A Bill for the Examination and appointment of Pilots, and for Establishing Rates of Pilotage for the Harbour of Pensacola.

A Bill for appointing Public Administrators.

A Bill for the more easy and Speedy recovery of Debts under Five Pounds.

A Bill for the Amendment of an Act, intituled "An Act Concerning Coasters".

Ordered that the Committee do prepare and bring in the same.

Then Mr. James Ross having obtained leave of the House presented the following Bills.

An Act to prevent the Selling of Flour otherwise than by weight and to regulate the Assize of Bread.

An Act for the Examination and Appointment of Pilots and for Establishing Rates of Pilotage for the Harbour of Pensacola.

An Act for appointing Public Administrators.

An Act for the more easy and speedy recovery of Debts under Five Pounds.

Which Bills were read the first Time.

Ordered that the same be read a second Time tomorrow.

The Ingrossed Address to His Honor was read in the words following.

To His Honor Montfort Browne Esquire Lieutenant Governor and Commander in Chief in and over His Majesty's Province of West Florida and Vice Admiral of the same &c &c—

The Humble Address of the Assembly—

May it please your Honor, We His Majesty's most dutifull and Loyal Subjects the Representatives of the Inhabitants of His Province of West Florida in General Assembly met, beg leave to return your Honor our humble thanks for your Speech at the opening of this Session.

We likewise beg leave to assure your Honor that nothing is more earnestly wished for by every Member of the House of Assembly than an Uninterrupted Continuation of the pleasing Harmony apparent at this time through the Legislative Body.

The Assurance your Honor has been pleased to give us of Contributing the utmost on your part affords us the most pleasing prospect of lasting Unanimity.

We shall proceed with Dispatch to the Business of the Public in Renewing what Acts are necessary and preparing such Bills as the present situation of the Province render necessary.

Resolved that the said Address do Pass.

Ordered that Mr. Speaker do sign the same.

A Message to his Honor the Lieu't Governor.

May it please your Honor, We are Ordered by the House to acquaint your Honor that they having an humble Address to present desire to know when it will please your Honor to be attended.

Ordered that Mr. Urguhart and Mr. McHenry do wait upon his Honor with the same who returning reported the delivery thereof, and that his Honor was pleased to say Tomorrow Morning Twelve o'Clock.

The House adjourned till 10 o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Friday December 18th. 1767

The House met according to adjournment.

Present Mr. Speaker, Mr. Blommart, Mr. Urguhart, Mr. Gordon, Mr. Robert Ross, Mr. McHenry, Mr. James Ross.

The Minutes of Yesterday were read.

Mr. Ross Chairman of the Committee of Priviledges and Elections acquainted the House that he had a Report to make from the said Committee, and desired to know when the House would be pleased to receive it.

Ordered that the same be now received and read.

Then Mr. Ross in his place read the said Report and delivered the same in at the Table, which being again read by the Clerk, is as follows Vizt.

The Committee having Examined the right of the Voters to whom objections were made by Mr. Aird and Mr. Waugh severally Do find that all the said Persons had a good and undoubted right of Voting at the late Election for Pensacola.

Resolved Nem: Con: that there is a double Return of William Aird and David Waugh Esquires for the Town and District of Pensacola. And that it is the Opinion of this Committee that the Seat in the Assembly for which the said William Aird and David Waugh were severly Returned ought to be declared vacant.

Resolved that the House do agree to the said Report.

Ordered that Mr. Speaker do issue his Warrant for the Election of a Member for Pensacola in the Room of the double Return of William Aird and David Waugh Esquires.

A Petition from Mr. Charles Blanchard was received and read, Setting forth, That he was well acquainted with the French Language and Capable of Translating the English Laws, and understanding that the House was in want of such a Person, Prayed that the House would be pleased to appoint him Translator.

Ordered that the said Petition do lay upon the Table.

The following Bills were read a Second Time Vizt.

An Act to prevent the Selling of Flower otherwise than by Weight and to regulate the Assize of Bread.

An Act for the more easy and speedy recovery of Debts under Five Pounds.

Ordered that the said Bills be Committed.

Ordered that the Receiver General do lay a State of the Public Accounts before this House on Monday next.

The Speaker and the whole House waited upon his Honor the Lieutenant Governor and presented their Address; and being returned he reported they had attended his Honor, and presented their Address, And that his Honor was pleased to return an Answer, of which to prevent mistakes Mr. Speaker said he had obtained a Copy, and is as follows Vizt.

Mr. Speaker and Gentlemen of the Assembly, I thank you sincerely for this very polite Address.

You may be assured that I will with great Zeal preserve every measure which can tend to promote the Peace and happiness of this Province.

(Signed) Montfort Browne

The House adjourned till 10 o'Clock tomorrow Morning.
Frans. Poussett Speaker.

Saturday December 19th. 1767

The House met according to adjournment.

Present Mr. Speaker, Mr. Robert Ross, Mr. Urguhart, Mr. McHenry, Mr. Blommart, Mr. Gordon, Mr. James Ross.

The Minutes of Yesterday were read.

The following Bills were read a Second time.

An Act for appointing public Administrators.

An Act Constituting Commissioners for the Examination and Appointment of Pilots, and for Establishing Rates of Pilotage for the Harbour of Pensacola.

Ordered, that the said Bills be Committed.

The House adjourned till Monday Morning 10 o'Clock.

Frans. Poussett Speaker.

Monday December 21st. 1767

The House met according to adjournment.

Present Mr. Speaker, Mr. James Ross, Mr. Urguhart, Mr. Gordon, Mr. Blommart, Mr. McHenry, Mr. Robert Ross.

The Minutes of Yesterday were read.

Motion was made and agreed to that the House do adjourn until Tomorrow Morning 10 o'Clock.

Frans. Poussett Speaker.

Tuesday December 22nd. 1767

The House met according to adjournment.

Present Mr. Speaker, Mr. Gordon, Mr. Blommart, Mr. McHenry, Mr. James Ross, Mr. Urguhart, Mr. Robert Ross.

The Minutes of Yesterday were read.

Mr. Benjamin Ward attending Mr. James Ross and Mr. Gordon by virtue of a Dedimus to them directed administered the Oath to him who took the same and made and subscribed the Declaration.

The Writ of Election for filling up the Vacant Seats for the District of Pensacola being sent down to the House and being Read with the Returns to the same it appeared that Valens Stephen Comyn and Joseph Smith Esquires were duly Elected Members for the District of Pensacola.

The said Gentlemen attending Mr. Ross and Mr. Gordon by Virtue of Dedimus to them directed administered the Oaths to Mr. Comyn and Mr. Smith who took the same and made and subscribed the Declaration.

Mr. James Ross from the Committee for enquiring into what Laws are near expiring and necessary to be continued as also what Bills are necessary to be prepared, having obtained leave of the House Reported that it was the Opinion of the Committee that the following Bills be brought in.

An Act to amend An Act for granting of Licences to Retailers of Spiritous Liquors, imposing a Duty on said Licences and for Regulating of Taverns and Public Houses.

An Act to prevent Fraudulent Conveyances.

An Act for distributing among the Inhabitants the Arms sent out for the Province.

An Act for granting certain Duties to his Majesty to be applied for and towards Compensating such Persons who have had or may have Negroes Executed in this Province.

The House resolved itself into a Committee upon the Bill intituled An Act Constituting Commissioners for the Examination and appointment of Pilots and for Establishing Rates of Pilotage for the Harbour of Pensacola and after some time spent therein Mr. Speaker resumed the Chair and Mr. Gordon from the Committee Reported that they had gone through the same without having made any amendment thereto.

Ordered that the same be Engrossed and read a Third Time.

The House resolved itself into a Committee upon the Bill intituled an Act for appointing Public Administrators and after some time spent therein Mr. Speaker resumed the Chair, and Mr.

Gordon from the Committee reported that they had gone through the same and had made several amendments thereto and desired to know when the House would be pleased to receive the same.

Ordered that the same be now received and read.

Then Mr. Gordon in his place read the said Bill with the amendments and delivered the same in at the Table where being again read by the Clerk, was agreed unto by the House.

Ordered that the said Bill with the Amendments be Engrossed and read a Third Time.

The House adjourned till 5 o'Clock this afternoon.

Frans. Poussett Speaker.

Tuesday 5 o'Clock December 22nd. 1767

Present Mr. Speaker, Mr. Ross, Mr. Urguhart, Mr. McHenry, Mr. Blommart, Mr. Ward, Mr. Comyn, Mr. Smith, Mr. Gordon.

Mr. Ross from the Committee appointed for preparing and bringing in Bills reported that they had prepared a Bill intituled An Act for the amendment of an Act intituled an Act concerning Coasters, and desired to know when the House would be pleased to receive the same.

Ordered that the same be now received & read.

The same was read the First Time.

Ordered that the same be read a Second Time tomorrow.

The House adjourned till 10 o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Wednesday December 23rd. 1767

The House met according to adjournment.

Present Mr. Speaker, Mr. Robert Ross, Mr. Comyn, Mr. Ben Ward, Mr. McHenry, Mr. Gordon, Mr. Smith, Mr. James Ross, Mr. Urguhart.

The Minutes of Yesterday were read.

The Ingrossed Bill intituled an Act Constituting Commissioners for the Examination and appointment of Pilots and for Establishing rates of Pilotage for the Harbour of Pensacola, was read a Third Time.

Resolved that the same do Pass.

Ordered that Mr. Speaker do sign the same.

The Ingrossed Bill intituled An Act for appointing Public Executors and Administrators, was read a Third Time.

Resolved that the same do Pass.

Ordered that Mr. Speaker do sign the same.

The following Message received from the Council.

Mr. Speaker, I am Commanded by the Council to acquaint the House that they are now met and wish to know if there is any Bills or other Business to be laid before them by the House this forenoon.

The following Message was sent to the Council.

May it please your Honors, We are Ordered by the House to acquaint your Honors that they have passed the following Bills Vizt.

"An Act Constituting Commissioners for the Examination and appointment of Pilots and for Establishing Rates of Pilotage for the Harbour of Pensacola."

"An Act appointing Public Executors and Administrators." And desire your Honors Concurrence to said Bills.

Ordered that Mr. Robert Ross and Mr. Urguhart do wait upon their honors with the same, who returning reported the delivery thereof.

The Bill intituled an Act to amend an Act intituled an Act concerning Coasters, and for further regulating and Improving the Coasting Trade was read a Second Time.

Ordered that the said Bill be Committed.

The Bill intituled An Act (to) prevent Fraudulent Bills of Sale or Conveyances of Lands and Tenements or any other Estate Real or Personal, was read a Second Time.

Ordered that the same be Committed.

The House resolved itself into a Committee upon the Bill intituled an Act for the more easy and Speedy recovery of Debts under Five Pounds, and after some time spent therein, Mr. Speaker resumed the Chair, and Mr. Robert Ross from the Committee reported that they had gone through the same and made several amendments thereto which they had directed him to report when the House would be pleased to receive the same.

Ordered that the same be now received.

Then Mr. Ross in his place read the Amendments and delivered the same in at the Table, where being again read by the Clerk were agreed unto by the House.

Ordered that the said Bill with the Amendments be Ingrossed, and that the Title thereof be "An Act to regulate the Court of Requests."

The following Message was received from the Council.

Mr. Speaker, I am Commanded by the Council to acquaint the House that they have taken into Consideration the Two Bills which they have received from the House this Morning Vizt.

"An Act Constituting Commissioners for the Examination and appointment of Pilots and Establishing Rates of Pilotage for the Harbour of Pensacola."

"An Act for appointing Public Executors and Administrators."

The House adjourned till 5 o'Clock this afternoon.

Wednesday December 23rd. 1767 5 o'Clock

The House met according to adjournment.

Present Mr. Speaker, Mr. Gordon, Mr. McHenry, Mr. Blom-mart, Mr. James Ross, Mr. Urguhart, Mr. Robert Ross, Mr. Smith, Mr. Comyn.

The Receiver General according to Order laid before the House a State of the Public Accounts.

A Motion was made and agreed to that the House do Resolve itself into a Committee to take into Consideration the Business of this Session, and after some time spent therein Mr. Speaker resumed the Chair and Mr. James Ross from the Committee reported that they had come to several Resolutions which they had directed him to report when the House would be pleased to receive the same.

Ordered that the same be now received.

Then Mr. Ross in his place read the said Report and delivered the same in at the Table where being again read by the Clerk are as follows Vizt.

Resolved 1st. That it is the opinion of this Committee that a Bill be prepared for granting His Majesty several Duties mentioned in an Act intituled An Act for granting certain Duties to His Majesty to be applied towards supporting the Government of this Province," from the first Day of January 1768 to the first Day of January 1769.

Resolved 2nd. That in the said Bill there also be granted an additional Duty of Five Pounds Sterling on all Negroes or Slaves imported into this Province from any other of the Colonies, such Negroes or Slaves having resided Twelve Months in any other of His Majesty's Colonies.

Resolved 3rd. That it is the Opinion of this Committee that the Money arising by the said Bill ought to be appropriated in manner following Vizt.

Imprimis For and towards the discharge of the Debts now due from the Province pr Vouchers in the Hands of the Public Treasurer.

Item. To the Clerk of the Council and Assembly Seventy Pounds Sterling pr annum Each to Commence from the 15th. December 1767.

Item. To the Messenger of the Council and Assembly Fifty Pounds Sterling pr. Annum Each to Commence as above.

Item. To the Contingent Charges of the Council and Assembly pr Account thereof to be attested by the Senior Counselor and Speaker.

Item. To the Translator of the Laws of this Province into the French Language Twenty Pounds Sterling.

Item. To Arthur Neil Esquire for a Negro his Property Executed at Mobile £46, 13s., 4d.

Item. To Lucere for a Negro his Property Executed at Mobile, £46, 13s., 4d.

Item. To the Speaker of the Assembly for each Day of his actual Attendance Seven Shilling and Six Pence and for Members Five Shillings Each.

Resolved that the House do agree to the above Report.

Ordered that the Committee appointed for preparing Bills do prepare and bring in a Bill to the above purpose.

The House adjourned till tomorrow Morning 10 o'Clock.

Frans. Poussett Speaker.

Thursday December 24th. 1767

The House met according to adjournment.

Present Mr. Speaker, Mr. Robert Ross, Mr. Gordon, Mr. Comyn, Mr. Smith, Mr. James Ross, Mr. Uguhart, Mr. Blommert, Mr. McHenry, Mr. Ben. Ward.

The Minutes of Yesterday were read.

The Ingrossed Bill intituled an Act to Amend an Act intituled an Act Concerning Coasters and for further regulating and improving the Coasting Trade, was read a Third Time.

Resolved that the said Bill do pass.

Ordered that Mr. Speaker do sign the same.

The following Message was sent to the Council.

May it please your Honors, We are Ordered by the House to acquaint your honors that they have passed a Bill intituled an Act to amend an Act intituled an Act concerning Coasters and for further regulating and Improving the Coasting Trade," and desire the Concurrence of your honors to said Bill.

Ordered that Mr. Ben. Ward and Mr. Comyn do wait upon their honors with said Message, who returning reported the delivery thereof.

The House resolved itself into a Committee upon the Bill intituled An Act to prevent the Selling of Flower otherwise than by weight and to regulate the Assize of Bread, and after some time spent therein Mr. Speaker resumed the Chair and Mr. Gordon from the Committee reported that they had gone through the same, And had made several Amendments thereto which they had directed him to report when the House would be pleased to receive the same.

Then Mr. Gordon in his place read the said Amendments and delivered the same in at the Table where being again read by the Clerk were agreed unto by the House.

Ordered that the said Bill with the Amendments be Ingrossed and read a Third Time.

A Petition from Peter Leverer in the Name and on behalf of the Inhabitants of Campbell Town was received and read Setting forth the Unhappy Situation of said place and the difficulty of obtaining their design of coming into this Province, The Cultivation of the Vine and Silkworm.

That they had obtained a grant of Land of the Natches and prayed the Assistance of this House in Conveying them thither.

Ordered that the said Petition do lay upon the Table for the perusal of the Members. And in the mean Time Mr. Leverer be Ordered with all the Persons for whom he Petitions to attend the House at their next meeting.

Mr. James Ross from the Committee for preparing and bringing in Bills having obtained leave of the House reported that they had prepared a Bill intituled An Act for granting certain Duties to His Majesty and for applying the same to certain purposes, and desire to know when the House would be pleased to receive the same.

Ordered that the same be now received and read.

The same was read the First Time.

The following Message received from the Council.

Mr. Speaker, I am Commanded by the Council to acquaint the House that they have agreed to their Bill intituled "An Act constituting Commissioners for the Examination and appointment of Pilots and for Establishing Rates of Pilotage for the Harbour of Pensacola," with the following Amendments.

In the 4th. line of the 3rd. Section After the word Vessels and before the word *shall* insert *Inward bound*.

In place of the 4th. Section, insert the following Table.

Vessells drawing Do. R L	}	{ Vessels drawing Do.
6 Feet Water 9.	}	{ 8 Feet Water.....12
7 Do.....10. .5	}	{ 9 Do.13. .5
Vessels drawing Do.		Vessels drawing Do.
10 Feet Water 15.....	}	{ 16 Feet Water 26.....
11 Do.16. .5	}	{ 17 Do.29.....
12 Do.18.....	}	{ 18 Do.32.....
13 Do.20.....	}	{ 19 Do.36.....
14 Do.22.....	}	{ 20 Do.40.....
15 Do.24.....	}	

Between the 4th. and 5th. Sections Insert, "And be it further Enacted by the authority aforesaid that every Vessel Piloted out of the Harbor aforesaid shall pay half Pilotage agreeable to the preceeding Table."

The Seventh Section to be left out.

Mr. Speaker, I am Commanded by the Council to acquaint the House that they have received their Bill intituled "An Act to amend an Act Intituled an Act concerning Coasters and for further regulating and Improving the Coasting Trade," and have taken the same Bill into Consideration.

Motion was made and agreed to That from the Surplus money if any arising from the Money Bill after all the applications are discharged, if not amounting to above the Sum of Fifty Pounds

Sterling be applied for and towards the Hire of the House in which the Assembly now sit.

Mr. Speaker laid before the House that Mr. Hardy had made a Copy of the Houses Journal for his Excellency Governor Johnstone, and That he had no allowance for the same.

Resolved that Mr. Speaker do give an Order upon the Receiver General for the sum of £13, 15s. for said Copy.

The House adjourned till 10 o'Clock Monday Morning.

Frans. Poussett Speaker.

Monday December 28th. 1767

The House met according to adjournment.

Present Mr. Speaker, Mr. Urguhart, Mr. Ben. Ward, Mr. Comyn, Mr. Blommart, Mr. Robert Ross, Mr. Gordon, Mr. McHenry, Mr. Smith, Mr. James Ross.

The Minutes of Thursday were read.

The House took into Consideration the Message received from the Council of Thursday last concerning the Pilotage Bill. Upon which a Motion was made and agreed to That a Conference with a Committee of their Honors be desired upon the Pilotage Bill.

Ordered that the following Message be sent to the Council.

May it please your honors, We are ordered by the House of Assembly to acquaint your honors that they desire to have a Conference with a Committee of your honors upon the Bill intituled "An Act Constituting Commissioners for the Examination and appointment of Pilots and for Establishing Rates of Pilotage for the Harbour of Pensacola," at such Time as your honors may be pleased to appoint.

Ordered that Mr. James Ross and Mr. Urguhart do wait upon their honors with the same who returning reported the delivery thereof.

Mr. Leverer attending according to order and being asked several Questions by the House relative to his Petition It was Ordered that the said Petition be dismissed it appearing that he had no authority to present the same in the Name of the Inhabitants of Campbell Town.

The Bill Entitled an Act for granting certain Duties to his Majesty and for applying the same to certain Purposes was read a Second Time.

Ordered that the said Bill be Committed.

The Ingrossed Bill Intitled "An Act to confirm and regulate the Court of Requests," was read a Third Time.

Resolved that the said Bill do Pass.

Ordered that Mr. Speaker do Sign the same.

The Ingrossed Bill Intitled An Act to prevent the Selling of Flower otherwise than by Weight and to regulate the Assize of Bread," was read a Third Time.

Resolved that the said Bill do Pass.

Ordered that the Speaker do Sign the same.

The House adjourned till 11 o'Clock Tomorrow Morning.

Frans. Poussett Speaker.

Tuesday December 29th. 1767

The House met according to adjournment.

Present Mr. Speaker, Mr. Urguhart, Mr. Blommart, Mr. Comyn, Mr. Gordon, Mr. McHenry, Mr. Robert Ross, Mr. James Ross, Mr. Ward, Mr. Smith.

The Minutes of Yesterday were read.

The House resolved itself into a Committee upon the Bill intituled "An Act for granting certain Duties to his Majesty and for applying the same to certain purposes," and after some time spent therein Mr. Speaker resumed the Chair and Mr. Smith from the Committee reported that they had gone through the same and had made several amendments thereto which they had directed him to report when the House would be pleased to receive the same.

Ordered that the same be now received.

Then Mr. Smith in his place read the Amendments and delivered the same in at the Table where being again read by the Clerk was agreed unto by the House.

Ordered that the said Bill with the Amendments be Ingrossed and read a Third Time.

Ordered that the following Message be sent to the Council.

May it please your honors, We are Ordered by the House to acquaint your honors that they have passed the following Bills Vizt.

"An Act to prevent the Selling of Flower otherwise than by weight and to regulate the Assize of Bread."

"An Act to confirm and regulate the Court of Requests and desire the Concurrence of your honors to said Bills.

Ordered that Mr. Urguhart and Mr. James Ross do wait upon their honors with the same, who retirning reported the delivery thereof.

The House adjourned till 10 o'Clock Tomorrow Morning.

Frans. Poussett Speaker.

Wednesday December 30th. 1767

Present Mr. Speaker, Mr. Gordon, Mr. James Ross, Mr. Urguhart, Mr. McHenry, Mr. Robert Ross, Mr. Ben. Ward.

There not being Members sufficient to form a House for Business the Members present adjourned till tomorrow Morning Ten o'Clock. And Ordered that Mr. Speaker do issue his Warrants for Mr. Smith, Mr. Blommart and Mr. Comyn, who had absented themselves.

Frans. Poussett Speaker.

Thursday December 31st. 1767

Present Mr. Speaker, Mr. James Ross, Mr. Gordon, Mr. Ben. Ward, Mr. McHenry, Mr. Urguhart, Mr. Robert Ross.

Mr. Smith attending in Custody was discharged paying his fees.

The Minutes of Tuesday and Yesterday were read.

The Engrossed Bill intituled "an Act for granting certain Duties to his Majesty and for applying the same to certain purposes" was read a Third Time Upon which a Debate arising on a certain Clause.

Motion was made and agreed to that the House resolve itself into a Committee upon the said Clause and after some time spent therein Mr. Speaker resumed the Chair and Mr. Gordon from the Committee reported that they had come to a resolution which they had directed him to report, when the House would be pleased to receive the same.

Ordered that the report be now made.

Then Mr. Gordon in his place read the report and delivered the same in at the Table where being again read by the Clerk was agreed unto by the House, and is as follows Vizt.

"That the latter part of the Twenty Third Clause of the said Act beginning "And the Contractors" to the End of said Clause be Expunged.

Resolved that the said Bill thus amended do Pass.

Ordered that the Speaker do sign the same.

The House adjourned till Saturday morning 10 o'Clock.

Frans. Poussett Speaker.

Saturday January 2nd. 1768

The House met according to adjournment.

Present Mr. Speaker, Mr. Gordon, Mr. Ben. Ward, Mr. Urguhart, Mr. Robert Ross, Mr. McHenry, Mr. Smith.

Mr. Comyn and Mr. Blommart attending in Custody were discharged paying the fees and Expences.

Mr. Ross from the Committee for preparing and bringing in Bills having obtained leave of the House reported that they had prepared a Bill intituled "An Act concerning Attachments" and desired to know when the House would be pleased to receive the same.

Ordered that the same be now received and read.

The same was read the first Time.

The following Message received from the Council.

Mr. Speaker, I am Commanded by the Council to acquaint the House of Assembly that they have agreed to their Bill intituled "An Act to amend an Act intituled An Act concerning Coasters and for further regulating and Improving the Coasting Trade.

Mr. Speaker, I am Commanded by the Council to acquaint the House of Assembly that they will confer with their Committee on the Subject of their Message of the 28th. December at the Council Chamber on Monday next at Eleven o'Clock.

Mr. Speaker, I am Commanded by the Council to acquaint the House of Assembly that they have received the following Bills Vizt.

"An Act to prevent the Selling of Flower otherwise than by Weight and to regulate the Assize of Bread.

"An Act to confirm and regulate the Court of Requests" and have taken the same into consideration.

Resolved that the following Message be sent to the Council.

May it please your honors, We are Ordered by the House to acquaint your honors That they have passed a Bill intituled an Act for granting certain Duties to his Majesty and for applying the same to certain purposes and desire the Concurrence of your honors to said Bill.

Ordered that Mr. Ben Ward and Mr. Blommart do wait upon their honors with the said Bill, who returning reported the delivery thereof.

The House adjourned till 10 o'Clock Monday Morning.

Frans. Poussett Speaker.

Monday January 4th. 1768

The House met according to adjournment.

Present Mr. Speaker, Mr. Urguhart, Mr. McHenry, Mr. Comyn, Mr. Gordon, Mr. Robert Ross, Mr. Ben. Ward, Mr. Smith, Mr. Blommart, Mr. James Ross.

The Minutes of Saturday were read.

Ordered that Mr. Gordon, Mr. Blommart, Mr. James Ross and Mr. Ben. Ward be a Committee to hold a Conference with the Council.

The following Message sent to the Council.

May it please your honors, I am ordered by the House to acquaint your honors that they have appointed Mr. Gordon, Mr. Blommart, Mr. James Ross and Ben. Ward a Committee to attend a Committee of your honors at the proposed Conference.

Ordered that Mr. Comyn do wait upon their honors with the same, who returning reported the delivery thereof.

Mr. Ross from the Committee appointed to hold a Conference with the Council reported that it was the Opinion of the Committee that the House do agree to the first and Second Amendments proposed by the Council.

Resolved that the House do agree to the said Amendments.

The following Message received from the Council.

Mr. Speaker, I am Commanded by the Council to acquaint the House that they have passed the Bill Intituled an Act to confirm and regulate the Court of Requests."

The Bill intituled An Act concerning Attachments was read a Second Time.

Ordered that the Bill be Committed.

A Petition of Robert Collins Deputy Provost Marshall was presented and read Setting forth—

That the Petitioners by virtue of a Writ of Fieri Facias issued from the General Court of Pleas did Sell by Public Sale a Town Lot marked No. 137 together with a Dwelling House thereon, which was the property of Crowley Barrow at the Suit of Anthony Forehand.

That the said House and Lot was purchased by William Cox, who afterwards disposed of the same to Messrs. Michel and Tench from whom the Petitioners received the Purchase Money.

That the said Forehand notwithstanding his being present at the Sale of said Premises and bidding for the Purchase, has since with the said Crowley Barrow declared that the said Barrow had no Title for said Lot he having made only a Verbal agreement with one Alexander Gaw for the Exchange of Lots.

That in Consequence of which the said Anthony Forehand has since the Sale gone to Rose Island where the said Gaw resides and obtained a Second Conveyance from him of said Lot formerly Exchanged with said Crowley Barrow, altho' said Gaw had disposed of the Lot received in Exchange from said Barrow.

That the Petitioner had offered and made a Tender of the Amount of said Execution to said Anthony Forehand who refused to accept thereof, but told the Petitioner that he might take it for his own use.

And praying that the House would take the Premises into Consideration.

Ordered that the said Petition be referred to the Committee on Grievances.

The House adjourned till 10 o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Tuesday January 5th. 1768

The House met according to adjournment.

Present Mr. Speaker, Mr. Robert Ross, Mr. Ben. Ward, Mr. Smith, Mr. Blommart, Mr. James Ross, Mr. Gordon, Mr. McHenry, Mr. Comyn, Mr. Urguhart.

The Minutes of Yesterday were read.

Mr. James Ross from the Committee of Grievances having obtained leave of the House made the following Report Vizt.

The Committee having proceeded to enquire into the Petition of Robert Collins have come to the following Resolutions thereon, Vizt.

Resolved 1st. That it is the Opinion of this Committee that Anthony Forehand, Crowley Barrow and Alexander Gaw have been all Combined and Confederated together in contriving to Defraud Robert Collins Dy Provost Marshall and others in respect to a Lot and House Sold by him as the Property of Crowley Barrow by virtue of Executions issued out of his Majesty's Courts in this Province, And in procuring a Fraudulent Conveyance from the said Gaw to Forehand after the same had been Sold on Execution.

Resolved 2nd. That it is the opinion of this Committee that his Honor the Lieutenant Governor ought to be requested to give Order to the Attorney General to prosecute the above named Persons for the aforesaid Fraud.—

Resolved, That the House do agree to the said Report and that they will send a Message to the Lieutenant Governor.

Mr. James Ross from the Committee appointed for preparing and bringing in Bills, reported that they had prepared a Bill, intituled an Act for regulating Taverns and Punch Houses, and desire to know when the House would be pleased to receive the same.

Ordered that the same be now received and read.

The same was read the first Time.

Ordered that the same be read a Second Time this afternoon.

The following Message received from the Council.

Mr. Speaker, I am Commanded by the Council to acquaint the House that they have passed the Bill intituled an Act to prevent the Selling of Flower otherwise than by weight and to regulate the Assize of Bread."

The following Message sent to the Lieut't Governor.

May it please your honor, We are ordered by the House to beg that your honor will be pleased to direct his Majesty's Attorney General for this Province to Commence a Prosecution against Alexander Gaw Anthony Forehand and Crowley Barrow for having Confederated and Combined together in Contriving to defraud Robert Collins Dy. Provost Marshall and others in respect to a Lot and House Sold by Him as the Property of Crowley Barrow by virtue of Executions issued out of his Majesty's Courts in this

Province, and in procuring a Fraudulent Conveyance of the said Lot by Gaw to Forehand after the same had been Sold on Execution.

Ordered that Mr. Robert Ross and Mr. Blommart do wait upon his honor with the same, who returning reported the delivery thereof, and that his honor was pleased to say that he would give Orders accordingly.

The House adjourned till 5 o'Clock this afternoon.

Tuesday January 5th. 1768. 5 o'Clock

The House met according to adjournment.

Present Mr. Speaker, Mr. Gordon, Mr. McHenry, Mr. Comyn, Mr. James Ross, Mr. Robert Ross, Mr. Ben. Ward, Mr. Blommart, Mr. Smith, Mr. Urguhart.

The House resolved itself into a Committee upon the following Bills Vizt.

"An Act concerning Attachments."

"An Act to prevent Fraudulent Bills of Sale or Conveyances of Lands and Tenements or any other Estate Real or Personal."— and after some time spent therein Mr. Speaker resumed the Chair and Mr. Gordon from the Committee reported that they had gone through the Act concerning Attachments and that they had made several amendments thereto— and desired further Time to go through the Act to prevent fraudulent Bills of Sale or Conveyances and desired to know when the House would be pleased to receive the same.

Ordered that the same be now received and read.

Then Mr. Gordon in his place read the Amendments of the Act concerning Attachments, which being delivered in at the Table was again read by the Clerk.

Resolved that the House do agree to the said amendments.

Ordered that the said Bill be Engrossed, And that the Title thereof be, "An Act for granting Attachments and appointing "The Duty of the Provost Marshall, also to repeal an Act intituled an Act Concerning Attachments and regulating the Marshalls proceedings."

Resolved that the House will go into a Committee tomorrow morning to recommit the Bill intituled "An Act to prevent Fraudulent Bills of Sale or Conveyances of Lands and Tenements or any other Estate Real or Personal."

The Bill intitled "An Act for regulating Taverns and Punch Houses, was read a Second Time.

Ordered that the said Bill be Committed.

Motion was made and agreed to that the Committee of Grievances do take under their Consideration the Fees taken by the Surveyor General.

The House adjourned till 10 o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Wednesday January 6th. 1768

The House met according to adjournment.

Present Mr. Speaker, Mr. Robert Ross, Mr. Ben. Ward, Mr. Smith, Mr. James Ross, Mr. Blommart, Mr. McHenry, Mr. Comyn, Mr. Urguhart.

The Minutes of Yesterday were read.

The House resolved itself into a Committee upon the Bill intitled "An Act to prevent Fraudulent Bills of Sale or Conveyances of Lands and Tenements or any other Estate Real or Personal," and after some time spent therein Mr. Speaker resumed the Chair and Mr. Robert Ross from the Committee reported that they had gone thro' the same and had made several Amendments thereto which they desired him to report when the House would be pleased to receive the same.

Ordered that the same be now received.

Then Mr. Ross in his place read the Amendments and delivered the same in at the Table where being again read by the Clerk, was agreed unto by the House.

The following Message received from the Council.

Mr. Speaker, I am Commanded by the Council to acquaint the House that they have passed the Bill intitled "An Act Constituting Commissioners for the Examination and appointment of Pilots, and for the Establishing Rates of Pilotage.

Mr. Speaker, I am Commanded by the Council to acquaint the House that they have passed the Bill intitled "An Act for granting certain Duties to his Majesty and for applying the same to certain purposes."

The House adjourned till 10 o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Thursday January 7th. 1768

The House met according to adjournment.

Present, Mr. Speaker, Mr. Blommart, Mr. Robert Ross, Mr. McHenry, Mr. Ben. Ward, Mr. Urguhart, Mr. Smith, Mr. Comyn, Mr. James Ross.

The Minutes of Yesterday were read.

The House resolved itself into a Committee upon the Bill intituled an Act for Regulating Taverns and Punch Houses," and after some time spent therein Mr. Speaker resumed the Chair, and Mr. Blommart reported that they had gone through the same and had made several Amendments thereto which they had directed him to report when the House would be pleased to receive the same.

Ordered that the same be now received.

Then Mr. Blommart in his place read the Amendments and delivered the same in at the Table where being again read by the Clerk, was agreed unto by the House.

Ordered that the same be Engrossed and read a Third Time, And that the Title thereof Be, "An Act for regulating Taverns of Public Houses and to repeal an Act intituled an Act for granting Licences to Retailers of Spirituous Liquors imposing a Duty on said Licences and for regulating Taverns or Public Houses."

The House adjourned till 5 o'Clock this afternoon.

Thursday January 7th. 1768 5 o'Clock

The House met according to adjournment.

Present Mr. Speaker, Mr. McHenry, Mr. Blommart, Mr. Robert Ross, Mr. James Ross, Mr. Ben Ward, Mr. Smith, Mr. Comyn, Mr. Urguhart.

The Ingrossed Bill intituled "An Act to prevent Fraudulent Bills of Sale or Conveyances of Lands and Tenements or other Estate Real or Personal," was read a Third Time.

Resolved that the same do Pass.

Ordered that the Speaker do sign the same.

Mr. Speaker made an humble request to the House That as the Session had been of a longer continuance than he expected, and as he had the honor of being one of the Commissioners for executing the office of Chief Justice, And the next Court of Common Pleas being next Tuesday, That the House would permit him to resign

his Seat as he really found the Close Attendance required prevents his application to the Duty of his Office.

Motion was made and agreed to that the House do resolve itself into a Committee upon the request made by Mr. Speaker, and after some time spent therein Mr. Speaker resumed the Chair, and Mr. McHenry from the Committee reported that they had come to some resolutions which they had directed him to report when the House would be pleased to receive the same.

Ordered that the same be now received.

Then Mr. McHenry in his place read the said Resolutions and delivered the same in at the Table where being again read by the Clerk were agreed unto by the House, and are as follows Vizt.

Resolved That Francis Poussett Esquire Speaker of the present Assembly do continue his Office during this present Session, and that on the Prorogation he may be at Liberty to resign his Seat.

Resolved That Francis Poussett Esquire hath by his due attendance to, and faithful discharge of the Public Business heitherto merited the Thanks and approbation of this House.

The House adjourned till 10 o'Clock tomorrow Morning.

Frans. Poussett Speaker.

Friday January 8th. 1768

The House met according to adjournment.

Present Mr. Speaker, Mr. Blommart, Mr. Gordon, Mr. Smith, Mr. James Ross, Mr. Urguhart, Mr. McHenry, Mr. Ben. Ward, Mr. Comyn, Mr. Robert Ross.

The Minutes of Yesterday were read.

The Speaker laid before the House the following Message he had received from the Lieut't Governor.

Sir, As it will take some time to peruse the several Bills you have passed this Session, I desire they may be sent down to me this morning.

I am Sir &c

Frans. Poussett Esq'r

(Signed) Montfort Browne

Ordered that the Clerk do wait upon the Lieutenant Governor with the Bills.

The Engrossed Bill intituled "an Act for regulating Taverns or Public Houses, and to repeal an Act intituled an Act granting

Licences to Retailers of Spirituous Liquors imposing a Duty on said Licences and for regulating Taverns and Public Houses," was read a Third Time.

Resolved that the same do Pass.

Ordered that Mr. Speaker do sign the same.

Ordered that the following Message be sent to the Council.

May it please your honors, We are ordered by the House to acquaint your Honors that they have passed the following Bills Vizt.

"An Act to prevent Fraudulent Bills of Sale or Conveyances of Lands and Tenements or any other Estate Real or Personal."

"An Act for regulating Taverns or Public Houses, And to Repeal an Act intituled An Act for granting Licences to Retailers of Spirituous Liquors Imposing a Duty on said Licences, and for Regulating Taverns and Public Houses," and desire the Concurrence of your honors to said Bills.

Ordered that Mr. McHenry and Mr. Ross do wait upon their honors with the same, who returning reported the delivery thereof.

The Engrossed Bill intituled an Act for granting Attachments and appointing the Duty of the Provost Marshall, also to Repeal an Act intituled An Act concerning Attachments and regulating the Marshalls Proceedings," was read a Third Time.

Resolved that the same do pass.

Ordered that Mr. Speaker do sign the same.

Resolved that the following Message be sent to the Council.

May it please your honors, We are ordered by the House to acquaint your honors that they have passed a Bill intituled "An Act for granting Attachments and appointing the Duty of the Provost Marshall also to repeal an Act intituled an Act concerning Attachments and regulating the Marshalls Proceedings," and desire the concurrence of your honors to the said Bill.

Ordered that Mr. Gordon and Mr. Urguhart do wait upon their honors with the same, who returning reported the delivery thereof.

The following Messages received from the Council.

Mr. Speaker, I am Commanded by the Council to acquaint the House that they have appoint David Hodge Alexander Moore and Daniel Clark Esquires to Examine their Minutes.

Mr. Speaker, I am Commanded by the Council to acquaint the House that they have received the following Bills.

"An Act to prevent Fraudulent Bills of Sale or Conveyances of Lands and Tenements or any other Estate Real or Personal."

"An Act for regulating Taverns or Public Houses and to repeal an Act intituled an Act for granting Licences to retailers of Spiritous Liquors Imposing a Duty on said Licences and for regulating Taverns and Public Houses." And have taken the same into Consideration.

Mr. Speaker, I am Commanded by the Council to acquaint the House that they have received their Bill intituled "An Act for granting Attachments and regulating the Marshalls Proceedings." And have taken the same into Consideration.

The House adjourned till 10 o'Clock tomorrow morning,
Frans. Poussett Speaker.

Saturday January 9th. 1768

The House met according to adjournment.

Present Mr. Speaker, Mr. Comyn, Mr. Ben. Ward, Mr. Gordon, Mr. McHenry, Mr. James Ross.

The House adjourned till 6 o'Clock Monday Evening.
Francis Poussett Speaker.

Monday Evening 11th. January 1768

The House met according to adjournment.

Present Mr. Speaker, Mr. Gordon, Mr. McHenry, Mr. Smith, Mr. Blommart, Mr. Robert Ross, Mr. James Ross, Mr. Comyn, Mr. Ben Ward, Mr. Urguhart.

The Minutes of Friday and Saturday were read.

A Message was received from his Honor the Lieut't Governor desiring the Houses attendance immediately in the Council Chamber.

The House waited accordingly on his Honor, when he was pleased to give his Assent to the following Bills Vizt.

"An Act to amend an Act concerning Coasters and for further regulating and Improving the Coasting Trade."

"An Act to confirm and regulate the Court of Requests."

"An Act to prevent the Selling of Flower otherwise than by Weight."

"An Act for granting certain Duties to his Majesty and for applying the same to certain purposes."

Then his honor was pleased to put an End to this Session by the following Speech, Vizt.

Gentlemen of the Council, Mr. Speaker and Gentlemen of the Assembly:

Your dispatch in passing the several Bills I have now passed, merits my approbation.

If shortly any more Laws should be considered as absolutely necessary for the Interest of the Province let me recommend to you to prepare them, during the recess of the General Assembly, in order to lessen the great expence to the Province which must unavoidably attend your Framing them after you meet.

Mr. Speaker and Gentlemen of the Assembly: I consider the appointment of the Treasurer by the Assembly as an Infringement upon the Prerogatives of the Crown. But as a Compleat Legislative authority cannot exist without Money to Support it, I have for that reason only, Passed the Bill intituled An Act for granting certain Duties to His Majesty and for applying the same to certain Purposes." But I do not give up this Point to any Future Session of Assembly or Consent that the same be hereafter pleaded as a precedent.

The Business of the present Session being now Finished I do by and with the advice of His Majesty's Council Prorogue You to Saturday the Twentieth of February next and you are in His Majesty's Name Prorogued accordingly.

Frans. Poussett Speaker.

✓ PRIVATEERSMEN OF THE GULF AND THEIR PRIZES

By STANLEY FAYE

I

The Spanish province of Louisiana never paid its own way in the world. To meet its expenses the King of Spain had recourse to the mines and the mints of Mexico. Milled silver pesos from the highlands rolled downwards and eastwards by the millions to Tampico. By sea they continued southward to Vera Cruz. From Vera Cruz the money for Louisiana sailed to Havana and thence, transshipped into other vessels, to New Orleans. Always, even in that short time when the viceroy of Mexico acted also as governor-general of Louisiana, money for Louisiana passed by way of Havana and never travelled directly from Vera Cruz to New Orleans.¹

Large sums might safely navigate the Gulf of Mexico, but only in years of peace. Spain's alliance with France turned the British into enemies of the Spaniards when British and French waged war against each other. Then expenses increased in Spain. Then Spain increased her demands upon her Mexican viceroy for cash. Circumstances conspired in the warring year of 1799 to cut off Louisiana's usual income from Vera Cruz. The intendency in New Orleans, colonial treasury of the province, sent a plaintive appeal to the viceroy. Expenses continued. The hundred thousand pesos that two Spanish coastguard brigs brought directly from Vera Cruz to New Orleans in July of 1800 did not pay the costs already incurred there. On October 20 the intendant had only eight thousand pesos remaining out of the hundred thousand just received, and he owed two hundred thousand. The bills went unpaid in Louisiana. The soldiers went unpaid. Even the officers of government went unpaid. The king had strictly forbidden the intendant to issue paper money, but the intendant threatened to do so notwithstanding if the viceroy should not relieve his distress.²

¹ Archivo General de Indias, Audiencia de Santo Domingo, Legajo 87-4, papeles por agregar, López y Angulo to Soler, July 13, 1801, *expediente* 6 (Berenguer de Marquina, viceroy, to López y Angulo, intendant, September 21, 1800.)

² AGI, AdeSD, Legajo 86-5-22, Berenguer de Marquina to Soler, September 26, 1800, *copias* 1, Legajo 87-4, as above, *expediente* 4.

Because of extraordinary demands from Spain the viceroy found his supply of pesos short by two million of meeting official obligations for the year.³ Nevertheless he earmarked an account of one hundred and fifty thousand for Louisiana, and in November he forwarded the money aboard two Spanish naval corvettes.⁴ This amount proved absurdly insufficient. The intendant wrote to the viceroy on March 4, 1801, that his liabilities had grown to exceed assets by more than seven hundred thousand pesos. To make matters worse the British navy had invaded the entire Gulf. What French privateers were doing to British vessels in the Caribbean, British naval vessels were doing to Spanish merchantmen north of the Yucatan channel. Two British brigs were blockading closely the mouth of the Mississippi River. Another pair patrolled the Mexican coast between Tampico and Vera Cruz. Both the intendant and the military governor in New Orleans advised the viceroy that it would be best to send the needed money by small vessels directly from Tampico to the little Louisiana port of Barataria and thus avoid these two new enemy squadrons.⁵

The viceroy counted his pesos again and felt that he could spare four hundred thousand of them for Louisiana. He took advice in his capital and in Vera Cruz. One counsellor varied the Louisianan proposal; the pesos should be carried overland from Tampico to Soto la Marina at the mouth of the Santander River and then, in light-draft boats to be built there, sent through the shallow coastal waters to Barataria. The viceroy thought that the cost of land transport to Soto la Marina would be prohibitive. He knew that in Santander (Tamaulipas) province there were no boats and no means of building boats and no materials for boat-building. No one could be found in Vera Cruz who had any knowledge of the coast between Río Grande and Barataria Pass. The plan proposed by New Orleans did not appeal to the viceroy in any form. It aroused in him fears of more than British warships. He reported to the secretary of the treasury in Spain, thus:

I do not speak of the risks that this project would offer if, as might be quite possible, the English should happen to learn of it and if one or more warships should approach the coast and send armed boats that would capture the transports and the money. The principal risks are the considerable and

³ AGI, AdeSD, Legajo 87-4, as above, *expediente* 6.

⁴ AGI, AdeSD, Legajo 86-5-22, Berenguer de Marquina to Soler, February 26, 1801.

⁵ AGI, AdeSD, Legajo 86-5-22, Berenguer de Marquina to Soler, July 27, 1801, and *copias* 2 and 15.

double expense, . . . and that which would be caused by the men who would compose the crews; and no less is the thought of the contraband that might be carried on under cover of these expeditions.⁶

The viceroy put aside all idea of traffic in Mexican silver among the oyster banks. He saw little more of virtue in another plan that mounted to him from Vera Cruz.

This plan proceeded from Celestino San Maxent, captain in the Regiment of Louisiana, who was visiting Vera Cruz on personal business, accompanied by his friend Honoré Fortier. Captain San Maxent petitioned the viceroy in April. Captain San Maxent would undertake to carry four hundred thousand pesos by muletrain all the way from the City of Mexico to New Orleans within the space of fifty days. If this duty should be denied him he asked at least passports for himself and for his friend and one servant in order to go home by land and beat out a trail that others might follow.⁷

Captain San Maxent was an officer of the regular army. He was brother-in-law to the governor of Puebla. Much more than all that, he was related by marriage to the late General de Gálvez, once viceroy of Mexico. The current viceroy could not refuse a request from a man so well connected. To the latter part of the petition, though not to the first part, he gave his consent.

Four years later Captain San Maxent, accompanied then by his nephew Don Maximiliano, retraced his journey of 1801 from Baton Rouge to Mexico. He passed in forty-three days of travel over a newly marked out road⁸ that, as he said, a carriage might traverse. But he and Honoré Fortier were pioneers in 1801. On horseback they left the City of Mexico in June. They lingered comfortably in San Luis Potosí (to the westward of Tampico) until the rainy season should have created pasturage that they would need farther to the north. On August 4 they started on their adventure.

Bad roads, which in some places were mere muletracks four feet wide, led the little expedition northward to no village beyond San Luis, but only to a thatched hut here and there with never a white man to be seen in league after league of travel. Far to the north one village broke the succession of wilderness after wilderness.

⁶ *Copia* 2.

⁷ *Copia* 7.

⁸ Apparently by way of San Antonio. The Atascosito road to Bahía was not yet opened. Cf. Archivo General de la Nación (de Méjico), Provincias Internas, v. 239, Salcedo's report of April 7, 1806.

Then wilderness took the travellers like a sea. They turned eastward through the sierra and northward through the lowlands. For more than a month they struggled across mountain and valley and plain. On September 8 they came among the hacienda gardens of Sierra Gorda on the Río Grande, eighteen French leagues from the little port on the Gulf. Up the river then they went a three days' journey to San Miguel de Camargo. There they picked up for Louisiana seven hundred mules and two hundred horses that, whether sold or delivered to the Spanish army, would pay the cost of their journey. With a company now of many muleteers they drove their cavalcade into the river. The dry land of Texas beyond received them.

There were no roads. San Maxent and Fortier felt their way northeastward through a grassy land alive with deer and buffalo. They stopped at Bahía del Espíritu Santo (modern Goliad) to look once more askance at thatched huts and to admire the fort and its one piece of artillery. A side trip of fifty leagues led them to San Antonio for new passports. From Bahía again they resumed their northeastward march upon a trackless plain. They swam the rivers that now interrupted their route. They floated their equipment across in inflated cowhides. On November 4, near the site of modern Trinidad, they came upon the road that joined San Antonio to Nacogdoches. On the seventeenth they left their live stock in pastures at Ormigas near Bayou Pierre. On December 5 the houses of New Orleans rose about them.⁹

San Maxent and Fortier had spent not fifty days in coming from the City of Mexico but four entire months in coming from San Luis Potosí and with no four hundred thousand pesos to carry.

Before the Spanish officer and his French Creole friend even reached the City of Mexico to prepare for their adventure, the viceroy had gathered an armed squadron of corvettes and brigs to protect his remittance for Louisiana. The intendant had sent to him an expert coast pilot, Antonio Molina, to guide the money into Barataria. The proposal that New Orleans had made rose therefore in the viceroy's estimation. The British vessels off the Balize were small. The intendant advised now that the strong Spanish squadron should dare attack and enter the Mississippi River.¹⁰ In July the viceroy learned that the British blockaders

⁹ AGM, Historia, v. 62, expediente 10, sobre compra de Caballos y Mulas.

¹⁰ AGI, AdeSD, Legajo 87-4, papeles por agregar, López y Angulo to Soler, July 13, 1801, expediente 3, copia 6.

had withdrawn from the Mexican coast—to seek shelter, it was supposed, before the hurricane season should begin. He gave his naval commanders small boats for reconnoitering the coast of Barataria. He told them to stay as near the coast as possible. He ordered an immediate departure from Vera Cruz. On September 6 the corvettes and brigs sailed out with cargo including \$439,465 in Spanish minted coin.¹¹ On the coast they learned that the British vessels lurking off the Mississippi mouths had retired like those from off Vera Cruz. The Spanish warships peacefully breasted the current past the Balize and up to New Orleans. Barataria had lost its one chance for receipt of real treasure from Mexico.

British warships found no further business off Louisianan and Mexican coasts within the next many months. Peace descended upon Europe a few days after the Spanish treasure had entered the Mississippi River. But war broke out again in a handful of years. In 1805, in war time, a new viceroy of Mexico and the former military governor of Louisiana (now Spanish commissioner in American New Orleans) remembered the plans made in 1801 for putting Barataria into use. The commissioner needed funds to pay and transport to Texas the Spanish soldiers who should garrison a post on the Trinity River. So on May 23 a Spanish schooner from Mexico came in at Barataria Pass. Her commander landed \$50,000 in Mexican silver at Grand Isle and carried it up Bayou Barataria and to the commissioner in New Orleans. Two weeks later another schooner brought to Grand Isle another \$50,000. Antonio Molina, now an employee of the Spanish government, was waiting there to receive the cash and thus to fulfill the duty of safe transport that had been delegated to him four years before.¹²

News of these Mexican shipments blew out of New Orleans and hung in a tenuous cloud upon the marshes. Within eighteen months Louisiana condensed the cloud and compressed it into a romance that might have astonished the viceroy of Mexico. In November and December of 1806 a surveyor from Philadelphia was charting the coast and the bayous on commission from the United States government. He gossiped with townsmen of New Iberia and with planters along Bayou Têche. On July 20, 1807, he wrote of what he had heard to the secretary of the treasury.

¹¹ AGI, AdeSD, Legajo 86-5-22, Berenguer de Marquina to Soler, July 27, *copía* 12, and same to same, October 6, 1801.

¹² AGI, Papeles de Cuba, Legajo 149-2, Casa Calvo to Yturriagary, July 15, 1805.

"There is a portage from the Têche to Vermillion Bay of only four miles. By this portage the Spaniards conveyed immense quantities of bullion and specie from Vera Cruz and the coast of Mexico in small boats running within the oyster banks, islands and shoals, and thus escaped the possibility of pursuit or capture by an enemy. When once embarked on the Têche, an easy inland navigation conveyed the treasure to New Orleans, from whence with a fair wind the Havana might be reached in twenty-four hours."¹³

Thus, and thus quickly, traditions of Barataria arise.

II

More successfully than the British naval officers who blockaded the Gulf in 1801, Horatio Nelson destroyed the Spanish fleet off Trafalgar in 1805. Yet that same year brought an accession to Spain's depleted naval forces. Bernard Lafon of New Orleans fitted out a Spanish privateer at Pensacola.¹⁴

Not short and stocky like Bartholomé Lafon the New Orleans civil engineer, Captain Bernard was moderately tall and lean, a son of the sea who liked a fight. But he and his Spanish cruiser were no match for British war vessels. The British captured him. In the course of time they set him free. His misfortunes warranted sympathy from Spaniards of New Orleans until the years 1808-09. Then war between Spain and France threw Spain into alliance with Great Britain, her former enemy. Spain's commerce became doubly contraband to the French cruisers that soon were hovering on the coast of Barataria. So when Captain Lafon in New Orleans fitted out an American schooner and armed it unlawfully as a French privateer he gained deservedly the reputation among Spaniards of "going privateering whenever there was a war and he got any sort of chance."¹⁵

The new French privateer carried twenty men although her lading was of only about forty tons. Her one 4-pounder swivel gun sufficed on March 1, 1811, to bring to a Spanish schooner, under British registry, off Xivarra on the coast of Cuba.¹⁶ Captain Lafon became known by reputation in that island. In November,

¹³ *American State Papers, Commerce & Navigation*, I, 840-842.

¹⁴ AGI, PdeC, Legajo 1793, Zuñiga to Apodaca, November 18, 1812, *diligencias* in the case of Bernardo Laffon.

¹⁵ Testimony of José de la Rúa.

¹⁶ *Louisiana Gazette*, May 16, 1811.

when he paid a visit to Havana as a peaceable merchant skipper, he fell under arrest. Havana accused him of being a French privateersman. Don Carlos Hernández, a government lawyer, observed with admiration the skill whereby that honest American sea captain of New Orleans demonstrated to Havana a case of mistaken identity and gained his liberty.¹⁷

Perhaps aboard or as tender to the French privateer brig *Diligent*, which left the Mississippi Balize early in May of 1812, Bernard Lafon went sailing again. The *Diligent* reached Norfolk on July 2, two weeks after the United States had declared war against Great Britain and one week before the first American privateer nosed out into Hampton Roads. Lafon applied for an American commission. Aboard his tiny United States privateer *Comet* on August 7, only one month behind the earliest, he too sailed out of Norfolk into summer seas.¹⁸

Within two weeks a hurricane swept over the Gulf and New Orleans and the marshes, but as soon as the storm had passed Manuel Perera and Francisco López went fishing in Barataria. Their fisher boat off the cypress island of Ronquillo caused no alarm to Bartholomé Lafon. That distinguished resident of New Orleans continued to unload drygoods coming from the Spanish prizeship (owned in New Orleans) that two French privateers had just brought to the coast. Small boats received the goods and carried them up Ronquillo Bayou. Then Lafon went to Grand Isle. To Grand Isle the fisher boat followed inquisitively. Manuel and Francisco beheld again there, both ashore and aboard one French privateer schooner, the short, stout figure they had seen at the cypress island, dressed neatly for summer in a blue coat and white cotton pantaloons. They knew that the man they heard haggling with Monsieur Nicolle, the stockraiser, for ships' stores of beef was called Lafon. They failed to enquire what his first name might be.¹⁹

Bartholomé Lafon included Baratarian smuggling among his many vocations. In after years the Spanish consul of New Orleans learned that fact,²⁰ but in the year 1812 such information did not become public property in the town. Manuel and Francisco were little the wiser for a visit even to the pirate coast when

¹⁷ *Diligencias*, information from Hernández.

¹⁸ *Diligencias*, the *Cometa's* log.

¹⁹ *Diligencias*, testimony of Perera and López.

²⁰ AGM, Historia, Operaciones de Guerra, Notas Diplomáticas, v. 2, Fatio to Apodaca, July 26, 1817.

they went back to Pensacola from their fishing trip. Meanwhile Bernard Lafon, having sailed southward from Norfolk, knew that in Cuba his own reputation shone with its one spot erased. So he did not hesitate to put in at Havana. He cruised eastward again, visited Baracoa on October 6, and then, with the robbery of several British vessels to his credit, headed for Pensacola before returning to New Orleans. On November 7 he sailed into Pensacola Bay aboard his *Comet*, which may indeed have been his former French cruiser.

This was the thought that inflated the minds of certain persons in Pensacola. By reputation only they recognized as the former French privateersman of New Orleans the lean sea captain, resplendent in blue uniform and brass buttons of the United States Navy, who stepped ashore from the harbor pilot's sloop and introduced himself and his American cruiser *Comet*. The Reverend Father Coleman and half the town were waiting to welcome him. They followed, whispering now, as he strode to the government house to call on Governor Zuñiga. Captain Lafon presented his papers, which seemed all to be in good order. He asked leave to take aboard water and to buy beef. Then the whispering came to Governor Zuñiga's ears. Again, as in Cuba twelve months earlier, Captain Lafon found himself under Spanish arrest.

As luck would have it, there was Don Carlos Hernández, the new judge-advocate of Pensacola, who told immediately how this same reputable Captain Lafon had cleared himself of suspicion in Havana. But there was also the sailor José de la Rua, who knew that there were only two Lafons in New Orleans and that this one was not the respected Bartholomé. Governor Zuñiga sat in doubt. Sharply he rebuked one loyal Spaniard who opined that Captain Lafon, despite his American papers, ought to be hanged as a former French privateersman. The governor proceeded to take testimony in Pensacola and to gather what evidence he might aboard the American cruiser at anchor in the bay.

Nothing could be more perplexing. José de la Rua was acquainted with Bartholomé Lafon of New Orleans, and this one certainly was not that one. José knew (by reputation only) of a Bernard Lafon in New Orleans who was a French pirate, and this one might be that one for all that José could tell to the contrary. But the judge-advocate was acquainted with this one from a year before in Havana, and then it had been a case of mistaken identity. Manuel and Francisco had seen one smuggling, privateering Lafon

at Bayou Ronquillo and Grand Isle, and that short, stocky one was certainly not this rather tall, lean one. The *Comet's* papers showed that the cruiser had left Norfolk on August 7 with this one on board, and not even the *Comet* could have reached Barataria by the week after the hurricane of August 19.

The governor thought it most confusing and embarrassing. If this Captain Lafon had really been a French privateersman (that is, later than the year 1808) he would have well earned a Spanish hanging, for all of his brass buttons. But apparently here was only another of the judge-advocate's cases of mistaken identity. The governor decided that that was what it must be. Pensacola offered apologies, water and beef to the visitor in blue uniform. Captain Lafon with his buttons shining and perhaps with his tongue in his cheek sailed for the second time safely out of the Spanish hangman's noose.

Back went Captain Lafon to the trade of American privateersman, which was yielding scant profits except to men in the larger cruisers. Then Cartagena beckoned to him from across the Gulf and the Caribbean. True to his reputation for taking any sort of chance that offered, Captain Lafon prepared a brig, the *Flor Americana*, and made ready in the spring of 1814 to sail for the south. Cartagena had invited artisans and other skilled men of all free countries to come to her. With a small crew and a full passenger list Captain Lafon took the *Flor Americana* out for Cartagena about the end of May. At sea he turned the brig into a republican privateer.

Three months the *Flor Americana* cruised, and her passengers served unwillingly as privateersmen. Then, when Captain Lafon grew careless, the kidnapped passengers did what Havana and Pensacola had not well succeeded in doing. They fell upon Captain Lafon. They put him in irons. Late in August they brought the *Flor Americana* back to New Orleans. Into the district court went the brig. Into the old Spanish calabozo went Captain Bernard Lafon.²¹

III

Late in December of 1810, a good three months before Bernard Lafon made his prize off Xivarra, Captain Dominique Diron brought back the French privateer *Vengeance* to the Mississippi

²¹ AGI, PdeC, Legajo 1836, Morphy to Apodaca, September 1, 1814; *American State Papers, Foreign Relations*, IV, 432.

Balize.²² Under convoy he brought also the prize he had taken off the Dry Tortugas, a Spanish brig, London to New Orleans, with lading reported as valued at eighty thousand dollars. Mercantile houses of New Orleans negotiated over New Year's Day for prize goods to be delivered at Breton Island, east of the river's mouth. To transport a cargo from Breton Island to the town one merchant engaged the schooner *Three Friends*.²³

The *Three Friends* was a sharp-built little craft of more than ordinary speed, with bottom painted the color of copper sheathing. After the smuggling trade had provided her with this one adventure the schooner passed in the same month to an adventurous owner who destined her to the profession that supplied that trade. Under command of Captain Deshon the *Three Friends* let the yellow river carry her into the Gulf. On the coast or perhaps out of her own hold she picked up an armament of six guns. Then she sailed out to cruise. Her honest name disappeared from the stern, and no other took its place. In memory of her previous voyage to Breton Island the officers and crew called her *Vengeance*.

While the second *Vengeance* tested her luck first in the Gulf and then in the Atlantic Ocean, a respectable village storekeeper of New York State bade farewell to his wife and five children in Schoharie and journeyed to Albany and down the Hudson River to New York City. In the third week of June Benjamin Miles found lodgings west of Broadway in respectable Courtland Street and set about buying his season's supply of merchandise in the warehouses of the East River front. On the evening of June 21 he left the dock at Corlaer's Hook and trudged wearily toward his lodgings. More than \$2,200 of his funds remained in his wallet unspent. Yet Benjamin Miles had no thought to thieves.

This virtuous man of Schoharie ought nevertheless to have plodded virtuously up John Street to Broadway or through the Fly Market and by way of Maiden Lane into Courtland Street. But the evening was unseasonably warm. So too was Benjamin Miles. Thought of cool beer urged him to step aside into Water Street and into a porter house. There he ordered successive pots of porter and sat over the beer to enjoy repose and the ideals that were voiced by a dozen other thirsty souls. Three men of foreign appearance, who sat perhaps by themselves, did not at first draw his attention. Some other drinker from the sea spoke of having

²² Cf. *Louisiana Gazette*, December 29, 1810.

²³ *Baltimore Federal Republican*, March 6, 1812.

seen a black looking schooner a day or two before off Sandy Hook; he suspected her to be one of the French privateers that plundered American shipping off the American coast. Then Benjamin Miles, fortified by porter, made himself heard.

When he deposed under oath, some five months later, Benjamin Miles asserted that he had observed to the company in the porter house, "I wish they would make me captain-general, and I would send off Commodore Rodgers, or some other commodore, to bring in every pirate of whatever nation that infests our coast."

He related more freely to a newspaper reporter that he had said, "I wish the president would order Commodore Rodgers to capture every one of those picaroons and hang their men at the yard-arm."

Benjamin Miles confessed under questioning that he may have "made use of some other rash expressions." One thought that he expressed was all too rash. He called French privateersmen a pack of pirates.²⁴

The evening grew late. The company departed. Benjamin Miles meditated alone until diminished porter revealed the bottom of his pot. Then he too stepped out into the darkling Water Street. There in the warm June night stood three men of foreign appearance.

Benjamin Miles turned into John Street. Three men of foreign appearance followed him. Benjamin Miles turned into Burnett Street. He entered the Fly Market. Benjamin Miles for a little while knew no more.

Three men of foreign appearance knocked Benjamin Miles quite deftly over the head. There was Crown Street leading to the East River docks.

A few hours later in the lower bay three men of foreign appearance hoisted Benjamin Miles, minus his \$2,200, from a ship's boat to the deck of Captain Deshon's French privateer *Vengeance*. Three men of Louisiana and of foreign appearance who had heard themselves called in a porter house a pack of pirates had decided that they would teach manners to a man of Schoharie.

Except for the little matter of the wallet this pack of pirates treated their guest as well as they treated themselves. They made him work for his food, but they gave him only the work of a land-

²⁴ New York *Evening Post* and New York *Commercial Advertiser*, in Baltimore *Federal Republican*, November 13, 1811.

lubber on shipboard. Anyone might have been proud to travel on so fine and so speedy a schooner as that of Captain Deshon. The *Vengeance* with Benjamin Miles aboard left Sandy Hook at dawn of June 22; only twenty-five days later the Spanish consul in New Orleans had news of her return to the Gulf.²⁵

Captain Deshon, coming into the Gulf, had encountered the brig *San Antonio Abad* (Captain Salvator Roig), Vera Cruz to Tarragon, with grain, indigo, sugar, dyewood and silver coin. Money and such of the cargo as could be smuggled he had taken aboard the *Vengeance* and then had charged Captain Roig to report first to New Orleans. The Spaniard obeyed, as did another Spanish commander to whom Captain Deshon presented himself a few days later. So in New Orleans the owner of the *Vengeance* knew that soon a message would be coming to him of Spanish prize goods at Barataria. He dispatched to Captain Deshon's aid the *Santa María*, a little schooner fitted out as a Spanish merchant vessel in Bayou St. John at the end of the Bayou Road.

Benjamin Miles knew little or nothing of all this. Whenever the *Vengeance* found a Spaniard to pursue, Captain Deshon had sent his passenger below decks. Well within the time of two months the discipline of a New York storekeeper seemed even to Louisiana Frenchmen to have fulfilled its purpose. Before mid-August the *Vengeance* came again into the Mississippi River and up to English Turn or thereabouts. A ship's boat proceeded the rest of the way. At two o'clock in the morning of August 16 Benjamin Miles recognized himself as a free man upon the New Orleans levee. He had grown rich in acquaintance with a pack of pirates, but he was destitute of money. At least, so he would have it believed when finally he reached New York telling a tall tale (of a 2,000-mile wilderness journey on foot in eighty-four days) that underwent variation as he retold it.²⁶ From New York the newfangled steamboat took him up the river to Albany. Soon he was back in Schoharie to explain to his widow and five orphans that other things than death may happen to a countryman who drinks porter in town.

While Benjamin Miles was beginning his overland journey towards his home, Captain Deshon's owner in New Orleans offered prize goods for sale. The boat from the *Vengeance* had brought

²⁵ AGI, PdeC, Legajo 1708, Onís to Someruelos, September 30, 1811.

²⁶ Cf. *Baltimore Federal Republican*, November 13, 1811; *New York Herald*, s.w., December 28, 1811, January 8, 1812.

news of a Portuguese polacra soon to unload her cargo on the westerly coast. Within a few days the first Baratarian shipments, of drygoods only, came up the bayous for distribution in the town among the three mercantile houses with which Monsieur Satté, agent of the privateersmen, had arranged the sale. This scandalous affair proved to be too much for some of the constituted authorities. Therefore Midshipman Francis H. Gregory, an acting naval lieutenant, sailed out from the Balize and around and then north-westward commanding a United States gunboat. Another agent of law and order set off down Bayou Barataria to Grande Terre on the pretense of buying some of the wine and iron remaining aboard the prize. At Barataria Pass the two expeditions joined forces and aboard the gunboat continued towards the west. In an inlet they found the polacra and, farther within the marsh the *Vengeance* and the *Santa María*.²⁷

Lieutenant Gregory threw out an anchor, put springs on his cable and held his gunboat athwart the current that flowed down a narrow channel. Captors and captive lay securely bottled up within the marsh. For several hours, well into the night, each party of interest waited for the other to take another step. Then at two in the morning the schooners hauled up alongside the polacra and made fast. The privateersmen threw gunpowder into the polacra's hold and set their own ships afire. They escaped into the marsh aboard the small boats that Jean Robert, partner of Ange Michel Brouard and former employee of Jacob Hart, Jr., had brought too late to carry away the remaining iron and wine. With an eye toward salvage money, more plentiful than prize money, Lieutenant Gregory cut the burning schooners adrift and saved their prize.

Lieutenant Gregory had gained one exhibit to bring into the federal district court, but no evidence to convict privateersmen or agents. Captain Deshon walked the streets of New Orleans without fear. Jean Robert, accused of complicity in unlawfulness, brought forward two witnesses to assert that the gunboat had arrived so early as to prevent him from breaking any law by transport of forbidden goods.²⁸ His sponsors were Monsieur de Gruis, principal landowner of the Barataria region, long interested in the bayous of the right bank,²⁹ and Monsieur d'Auterive, whose

²⁷ *Orleans Gazette*, October 11, in *Louisiana Gazette*, December 18, 1811.

²⁸ *Baltimore Federal Republican*, March 6, 1812.

²⁹ AGI, PdeC, Legajo 2368, Degruis to the governor and intendant, January 22, 1791 (under Morales to the king, September 30, 1803).

ancestor, a stockraiser of Attacapas,³⁰ had engaged himself four decades earlier in the transport and sale of smuggled goods even on the border of Texas.³¹

IV

Commerce in Barataria always marked itself by Baratarian peculiarities. To the eastward of the Mississippi mouth a more law abiding coast extended to Spanish West Florida. Just beyond the international border the sand dunes opened to form Pensacola Bay, the one center of commerce that remained to the Spaniards of the province.

Among the merchants of Pensacola Don Vicente Ordozgoity was one of the most admired. The official and popular respect that in the year 1813 made him mayor of that town³² arose in part from his success in commerce. He owned not merely a little coasting schooner but a real merchant ship to carry out his trading ventures. Late in the year 1810 Don Vicente sent the ship on a voyage to Campeche. To complete the crew he engaged one sailor, Jean-Joseph Piesantino, who although a French subject happened at the moment to be footloose in Spanish Pensacola. Jean-Joseph was a Corsican³³ and therefore no less French than the Emperor Napoleon himself. Because the dialect of Corsica slights final vowels any Spaniard who knew how to spell at all would write this man's name as Pesantín. Spanish and Italian sailors knew him as José and Giuseppe, or familiarly as Pepe.

So early as the year 1810, before Barataria had claimed many sea captains of Louisiana, no one even in Pensacola could have held it against Don Vicente Ordozgoity that his señora was sister to René Beluche of New Orleans.³⁴ Fate at least knew what was in store for one relative of Don Vicente. If it was the Pensacola merchant who led Pepe Piesantino aboard the ship in Pensacola, it was doubtless Fate who caused the Corsican to desert the sea when the ship touched at New Orleans on her return voyage early in the next year.

Fate and Life together had not been treating Pepe with kindness. Pepe was ill in New Orleans. A great boil blossomed upon

³⁰ AGI, PdeC, Legajo 2357, Andry to Unzaga y Amezoga, January 1, 1772.

³¹ AGI, Audiencia de Guadalupe, Legajo 104-6-15, Bucareli to Arrilaga, January 27, 1773, enclosure, Riperdá to Bucareli, December 3, 1772, enclosure, diario of Cazorla.

³² *Of.* AGI, AdeSD, Legajo 86-7-9, Losada to Gonzales Carvajal, December 20, 1813, enclosure.

³³ AGI, PdeC, Legajo 167, García to Gonzales Manrique, May 18, 1814, *Sumaria*, declaration of Pesantín.

³⁴ AGI, PdeC, Legajo 1874, [Pedro de Alba] to Masot, January 3, 1817.

his right shoulder blade. He came pale and haggard and penniless into Greffen's cafe, where Corsicans congregated, and he begged for help. Kindhearted Corsicans took up a collection and hired a French surgeon to lance the boil. Pepe's health returned to him, but a scar stayed forever in his shoulder. In New Orleans the sailor found work to support himself without returning to the sea. He discarded his Italianate name and called himself Joseph Oliver.³⁵

Only gossip declares that Pepe took part in the smuggling trade of Barataria, but everyone in New Orleans knew that the brothers Laffite directed that trade. Under the new flag of Cartagena the brothers in the year 1812 sent out their hermaphrodite brig *Dorada*, well armed, to cruise for Spanish shipping. In the winter, off the coast of Havana, the *Dorada* captured a schooner laden with tobacco.³⁶

So fine a schooner as this deserved a Cartagenan commission of her own. The brothers Laffite put aboard their new cruiser two 6-pounder cannon and twenty-nine men, including Antonio Ramos, a Spanish prisoner of theirs. Customhouse officers at the moment were disturbing the commerce of Barataria. So the brothers armed the schooner not at Grande Terre but at the new privateer station in Terrebonne Bay, farther to the westward and conveniently near to the mouth of La Fourche and the Têche and the Atchafalaya. As commander they chose an Italian captain whose unquestionable integrity even the Spanish consulate of New Orleans was to recognize.³⁷ His loyalty to his employers appears to have created the legend that Marc Lafitte, the respectable notary of New Orleans, was a member of the smuggler family. But the captain was not named Marc. People never called him anything but Captain Marcos.³⁸ The schooner they called *Sarpis*.³⁹

Captain Marcos went cruising in the summer of 1813. On August 29, off the coast of Tampico, he captured the westbound Spanish polacra *Dulce Nombre*, with Antonio Jirón the captain, Francisco Martínez the cook, eight sailors and a cargo of cloth, wines, paper, cocoa, flour, crockery and other small articles. At the same time and at nearly the same point the *Dorada* seized

³⁵ AGI, PdeC, Legajo 167, as above, declarations of Pesantín, Reimundo and Antonio García.

³⁶ Declaration of Francisco Martínez.

³⁷ AGI, PdeC, Legajo 1898, Onís to the captain-general, August 3, 1816.

³⁸ Second declaration of Pesantín.

³⁹ Serapis! Zarpa! The printed records are garbled: Lucas Alamán, *Historia de México* (5 v.; Mexico, 1849-52), v. 4, doc. 3, no. 1; Juan E. Hernández y Dávalos, *Collección de Documentos para la Historia de la Guerra de Independencia de México de 1808 á 1821* (6 v.; Mexico, 1877-81), V, 547.

the schooner *Luisa Antonia* and convoyed her to Cat Island, the resort in Terrebonne Bay that the privateersmen had taken for themselves and called New France.⁴⁰ The *Dulce Nombre* a vessel of deeper draft, made her last port not within Cat Pass but farther to the westward at Attacapas Point (Point Chevreuil), off the Wax Bayou mouth of the Têche.

Captain Marcos sent his first mate to New Orleans to tell the town that Spanish prize goods might be had on the coast. Immediately Pepe Piesantino started out on commission from a Frenchman of New Orleans to collect a bill of three hundred and seventy-five dollars from Captain Marcos. A few miles above the town he crossed the river to the Maronne plantation, where the tailrace of a sawmill led into a bayou. Lorenzo, who lived on Grand Isle, lay there with a pirogue. Aboard Lorenzo's pirogue Pepe went down the bayous. From Grand Isle he travelled on to the westward in a pirogue guided by Mimi, another Baratarian. Awaiting customers off Attacapas Point he found the cruiser, the Spanish prize and Captain Marcos. But Captain Marcos had no money. Captain Marcos could not cover Pepe's bill until the prize goods should be sold. So Pepe also waited. Then came Dominique You.

Dominique You was right hand man to the brothers Laffite. Apparently from Cat Island he sailed to Attacapas Point to auction off the cargo of the *Dulce Nombre*. Soon customers began appearing with small boats. Francisco Martínez thought the boats were all from New Orleans, but some may have come down La Fourche and through the bayous or down the Tchafalaya or the Têche and out by Wax Bayou. Captain Marcos set his men and the Spanish prisoners to work transferring prize goods in small boats from polacra to land. Dominique You ashore on Attacapas Point held his auction.

The sale proceeded more swiftly than the unloading. Pepe Piesantino wearied of inactivity and turned to help Captain Marcos. He raised his voice and gave more orders than the privateer captain himself, or so it seemed to Francisco Martínez. Within the hearing of Antonio Ramos he called himself a member of the Barataria Association. He told the Spanish prisoners that he was part owner of the craft that had captured them. He said he was from Cartagena and lived there in the Calle Larga. He boasted

⁴⁰ Cf. AGI, PdeC, Legajo 1828, Morphy to Apodaca, March 11, 1813; Arsene Lacarrière Latour, *Historical Memoir of the War in West Florida and Louisiana in 1814-15* (1 v. and atlas; Philadelphia, 1816), 16.

that not long since he had been a privateersman, he himself. The Spaniards had caught him and put him in the Morro of Havana, but not even walls carved out of solid rock could hold him there. He escaped. He picked up a bullet in one shoulder as he fled to the harbor and to rescue.

The Spanish prisoners did not believe Pepe Piesantino. Pepe bared his shoulder to the light of Attacapas Point. The Spanish prisoners saw a scar. It was most undeniably a scar. They believed him. They called him Pepe Corso. In English that would have been, Privateer Joe.

The heat of September closed about sweating stevedores as Pepe Corso aboard the prize shouted orders to Spaniards. The privateersmen had bottles for themselves. There was little or nothing for Spaniards to drink but water. Francisco Martínez felt his throat go dry, and he knew how far he was from the Catalan shops of New Orleans. Above the deck of the privateer he saw the South American flag of the privateersmen flying in the wind of Attacapas. In the mind of the ship's cook a thought of diplomacy took form. Francisco made bold to speak to Captain Marcos. He said, "That is my flag."

Francisco's voice rang clear. A gesture may have seemed to him suitable at this point. In that case he waved a hand towards the flowing banner. In any case he did say to Captain Marcos, "I'm going to throw our Spanish flag into the water. It's no good."

Francisco Martínez spoke clearly. Antonio Ramos heard every word he said. Antonio listened for more. He heard Francisco ask the captain to let him ship as a member of the privateer crew.

Captain Marcos smiled upon this earnest sea cook. The Spaniard was showing the right spirit. Captain Marcos gave Francisco Martínez *muy vino y aguardiente*. So by diplomacy Francisco got his drink at Attacapas Point. Next year he paid for it in Pensacola.

Next year in Pensacola Pepe Corso had no worse luck than Francisco Martínez. On the Attacapas coast his luck was better. The sale that was to produce his three hundred and seventy-five dollars went on and at last reached its end. The small boats, floating deep, rowed and sailed away. The polacra, floating high, was set afire. Dominique You, laden with banknotes and silver,

Captain Marcos, Pepe Corso, the privateersmen, the Spanish captives, all the companions of Attacapas Point boarded the cruiser and set off up the bay for New France. There they found the *Luisa Antonia* and the *Dorada*. There Dominique made the division of the spoils. There Captain Marcos paid Pepe Corso his three hundred and seventy-five dollars. There all the Spanish prisoners were set free.

Now Pepe Corso had plenty of money in his pocket. Quickly he took a seat in a boat that should carry him through the bayous to New Orleans. The prisoners from aboard the *Dulce Nombre* and Antonio Ramos from aboard the privateer had to wait to bargain for a passage. Their pocket money they still kept untouched, since the brothers Laffite⁴¹ held even Italian captains to the rule that forbade robbery of a sailor, but the fare that Spaniards had to pay proved to be no less than eight dollars apiece. Captain Marcos gave them food, though only sixty pilot biscuit for a dozen men. Far too late to catch and discipline Pepe Corso the Spaniards started for New Orleans. Once Pepe caught sight of them in town, but discreetly he avoided them.

Antonio Ramos from aboard the privateer shipped out of New Orleans in the Spanish schooner *Dos Amigos*.⁴² The prisoners from aboard the *Dulce Nombre* found places in a schooner for Vera Cruz, all except Francisco Martínez. The loss of eight dollars rankled in the mind of Francisco as he balanced on the banquets and waded the streets. Then as he rambled he beheld a familiar figure and a familiar face. It was Dominique You, the auctioneer of Attacapas Point, whom Francisco Martínez halted indignantly in New Orleans. Dominique You listened to his complaint. Dominique You gave him back his eight dollars.⁴³

Francisco Martínez shook the mud of New Orleans from his feet. He signed on as cook of the Spanish schooner *Cilicia*. With Francisco gone Pepe could feel safe. He stayed in town for seven months. Then, when his money was spent, Fate wove him securely into her web. Fate caused him to acquire the passport of a deserting Spanish sailor and under the deserter's name to ship as mate and boatswain aboard the coasting schooner *San José*. Fate brought the *San José* to Pensacola in the month of May. At the same time

⁴¹ Archivo de Su Magestad Católica en Philadelphia (State Department, Madrid), Legajo 42, Picornell to Onís, February 16, 1816.

⁴² Declaration of Antonio Ramos.

⁴³ Declaration of Francisco Martínez.

Fate brought there also the schooners *Cilicia* and *Dos Amigos* and the coastguard schooner *Proserpina*. Francisco Martínez saw and recognized in Pensacola the man who had ordered him about at Attacapas Point. He denounced a privateersman to the authorities. The calabozo yawned and swallowed Pepe Corso. Aboard the *Proserpina* on May 18, 1814, the lieutenant-colonel who was coastguard commandant began admiralty sessions as an examining magistrate in the case of Juan José Pesantín, accused of piracy.⁴⁴

Assertion, denial, contradiction, refutation by Francisco Martínez, Antonio Ramos and Pepe Corso brought out the whole story little by little, or as much of it as the witnesses could tell and the defendant was willing to confess. It seemed now that only the highest motives had led Jean-Joseph Piesantino into grief. He had gone to Attacapas Point only to collect an honest debt. He never had been a Baratarian Associate. He never had owned a share in any privateer vessel. He did not come from Cartagena. He was only a poor Corsican sailor. He never had shipped aboard any privateer. He never had been in Cuba. So he never had escaped from the Morro. How could he? He never anywhere had picked up a bullet in his shoulder. He had only one scar to break the integrity of his skin, and he could explain that scar. It was the scar of a boil. Fate relented for a moment and let Pepe summon a resident of Pensacola who once in Greffen's café had added one share when others made the quest for paying a surgeon's bill. The charge of piracy, the examining magistrate saw, was not yet proved against Pepe Corso.

Back went Pepe nevertheless to the calabozo for a while, but no longer alone. Fate needed Francisco Martínez to complete the pattern of her web. With Pepe to imprisonment Francisco went too, convicted by testimony, even by his own forced confession, of having insulted his national flag for the sake of a drink.

Time passed. Nothing further appeared against either man. Fate wearied of her finished web and ripped it down the middle. There was evident "a known and unsupportable prejudice caused to the National Treasury by reason of the daily rations indispensable for the subsistence of the accused and the accuser." So on June 10 the Spaniards of Pensacola set their two prisoners free.

⁴⁴ AGI, PdeC, Legajo 167, as above.

V

While Pensacola held Pepe Corso captive, certain Baratarians were considering how to make money by causing known and unsupportable prejudice to the royalist government of Mexico. Traditions of the coast have not preserved unquestionably the origin of Dominique You, whether in France, in Louisiana or in the French colony of Haiti. A follower of Robert Cavelier de la Salle brought the name of You to Louisiana in the seventeenth century. Yet most contemporary legends agree that Captain Dominique was not a creole of that colony.

In September of 1813 Dominique makes his earliest appearance of Spanish record not as a mariner but as a man of affairs, auctioning Captain Marco's prize goods at Attacapas Point. "A very wiry and agile, bright eyed man of indomitable will" he was, in the later recollection of New Orleans.⁴⁵ His "great skill in the use of weapons of warfare" displayed itself in the spring of 1814 when he and his Cartagenan privateer schooner *Tigre*, visiting the coast of Vera Cruz province, battled and vanquished a British armed merchantman off the little port of Nautla. This success pleased Captain Dominique and his men so greatly that, with the aid of whiskey for all hands around, they wrecked their privateer immediately on a shoal. A tiny royalist coasting vessel, recently captured by the insurgents of Nautla, carried the Baratarians back to their own marshes in company, as it appears, with General Juan Pablo Anaya of the insurgent Mexican republic.⁴⁶

General Anaya brought with him ten thousand dollars wherewith to buy arms and ammunition for a superior officer in the highlands. So on June 20 Nautla welcomed Dominique You again commanding now a falouche. Dominique brought nearly forty tons of gunpowder and news that the Cartagenan privateers of Barataria offered their naval services to continue such filibustering trade. Thus between Barataria and the insurgent coast Dominique You opened the sea path of the Gulf that many of his associates were to follow in after years. In earnest of his proposals he could adduce the three small Spanish prizes that he had taken the day before his return to Nautla.⁴⁷

⁴⁵ Alexander Walker, *Jackson and New Orleans* (New York and Cincinnati, 1856), 146.

⁴⁶ Peter Bean, in Henderson Yoakum, *History of Texas* (2 v.; New York, 1856), I, 446-448. Anaya appears to have been Bean's commanding officer on this voyage, but Bean does not mention Anaya.

⁴⁷ Alamán, *op. cit.*, IV, doc. 3, no. 1; Hernández y Dávalos, *op. cit.*, V, 547.

Concluding events in the war between the United States and Great Britain interrupted this newly formed relationship. When the naval squadron of New Orleans invaded Barataria Bay in mid-September, Dominique You was but newly returned from Nautla to Grande Terre,⁴⁸ where the brothers Laffite had left him in command. With his companions Captain Dominique offered enough resistance to preserve the honor of his Cartagenan flag. Then he surrendered to superior force and, with many of his fellows, soon found himself lodged in the New Orleans calabozo. Agreement between General Andrew Jackson and Governor Claiborne liberated the prisoners in December in order that they might take part in the Battle of New Orleans.⁴⁹ His known skill in the use of weapons of warfare gave to Dominique a place of honor behind one battery of the naval guns that helped repel the British advance. The privateersman earned two wounds in the arm,⁵⁰ the official thanks of General Jackson, a share in the presidential pardon to Baratarians forthcoming in February of 1815, and the undying admiration of New Orleans.

Because the Americanos for a while had corked up Barataria Bay the privateersmen of Cartagena chose small ports for themselves in the western bays and bayous of Louisiana. In union with the men who during years past had been raiding Texas by way of Natchitoches these naval warriors planned to continue operations on the Mexican coast. Dominique You was known in April of 1815 as the leader of an ambitious expedition then in project.⁵¹ In July the Spanish consul learned that another Baratarian had succeeded to the position of commodore.⁵² In August the 300-ton polacra brig, *Regla*, from Vera Cruz, brought in as prize to a Mexican privateer, underwent libel in the New Orleans district court. Sold by court order,⁵³ she proceeded to the shipyards to be made over into a cruiser for Dominique You.⁵⁴

This new privateer would carry two hundred men or more and sixteen or eighteen pieces of heavy artillery.⁵⁵ Dominique

⁴⁸ *Of. Gazeta de México*, January 1, 1816.

⁴⁹ Rowland Dunbar, ed., *Official Letterbooks of W. C. C. Claiborne, 1801-1816* (6 v.; Jackson, 1917), VI, 324.

⁵⁰ Vincent Otto Nolte, *Fifty Years in Both Hemispheres* (New York, 1854), 218.

⁵¹ AGM, *Notas Diplomáticas*, v. 3, Onís to the viceroy, May 1, 1815.

⁵² AGI, PdeC, Legajo 1796, Morphy to Apodaca, July 10, 1815.

⁵³ AGI, PdeC, Legajo 1898, Fatio to Noeli, June 23, 1818; AGM, *Notas Diplomáticas*, v. 3, Fatio to the viceroy, November 14, 1815; *State Papers & Public Documents* (3rd. edition, 11 vols.; Boston, 1819), XI, 206 ff; *American State Papers, Foreign Relations*, IV, 432.

⁵⁴ AGI, PdeC, Legajo 1873, Morphy to the captain-general, September 17, 1816, enclosure.

⁵⁵ AGI, PdeC, Legajo 1900, Morphy to the captain-general, March 10, 1817, and enclosure.

would be captain of a real sloop-of-war. But again the plans underwent a change. Dominique's engine of offence did not sail under his command. Instead an adventurous surgeon, Dr. Armand fitted out another privateer for the veteran captain and even went to Galveston early in 1818⁵⁶ on business perhaps not unconnected with prize goods. Dominique himself took passage in still another vessel for Galveston in March of 1819.⁵⁷ There he abandoned his old associates. He sailed out of the Gulf to try his fortunes in the Caribbean.

Commodore Aury, late of Galveston, already had dedicated his privateer squadron to labors in that more southerly sea. To Aury's aid came Dominique with his schooner *Guerrière*, two long 9-pounders and twenty-five men. This proved to be a welcome addition to the forces of a commodore who was intending an expedition against the royalist seaports of Honduras. The *Guerrière* increased her armament to six guns.⁵⁸ In April and early May of 1820 the squadron made unsuccessful attacks upon two strongholds of the Main.

Such experience of real warfare modified Captain Dominique's taste for battle with Spanish armies. In company with another privateer, formerly Aury's flagship, the *Guerrière* abandoned Aury as she had abandoned Galveston and sailed for the Yucatan Channel. On May 21, off Cape Catoche, the two vessels captured a Spanish schooner from Campeche, ordered her to Galveston and then sailed along the coast to examine the shipping of Vera Cruz. The prize captain reached Galveston two or three weeks after the brothers Laffite had evacuated the place. Therefore he had to sail away for the only prize court remaining open to him, that of Margarita Island in Venezuela.⁵⁹

The privateering trade of the Gulf had nearly reached its end. Within a year or so the revolution of Mexico expelled the Spanish government from the continent. It is told that Dominique You retired from the sea, made of himself a permanent resident of New Orleans and was elected as alderman. When he died he died like

⁵⁶ AGI, PdeC, Legajo 1900, Fatio to the captain-general, February 19, 1818.

⁵⁷ AGI, Estado de México, Legajo 14, Fatio to Cienfuegos, March 31, 1819; cf. Fatio to Apodaca, May 11, 29, 1819.

⁵⁸ New York *Advertiser*, s-w., November 12, 1819, January 14, 1820.

⁵⁹ AGI, PdeC, Legajo 1945, Villavaso to the captain-general, July 18, 1820, enclosure.

a good privateersman, lacking money to pay for his burial. Admiring friends took up a collection and built to house his memory a modest white tomb. To honor a former Baratarian captain this monument bears a proud inscription borrowed from the works of another French revolutionist, Voltaire.

VI

Among the Baratarians captured with the brothers Laffite in 1812⁶⁰ were Antoine Semet, who later commanded one of Joseph Sauvinet's privateers, and Pierre Cadet, who appears to have been the future commander of the Baratarian privateer *Législateur*. Little is told of Captain Cadet (at least, under that name) except for his capture of the Spanish schooner *Amable María* in the year 1814.

On April 15 it was. The schooner, having sailed from Havana to Vera Cruz and started back again, was taking the route along the northern coast. Eighty miles or so above Vera Cruz the *Législateur* seized her. Captor and prize continued the voyage to Barataria. Within Barataria Pass Jean Laffite auctioned off the cargo of the *Amable María*. Planters who had come down the bayous and along the coast bought Spanish prize goods. But the ship's officers and the crew lost nothing through their experience as prisoners to privateersmen under whose flag in another sea the War to the Death was practiced. A passenger aboard the Spanish schooner went to New Orleans after Jean Laffite's auction had ended. In New Orleans under date of May 13 he wrote to the Spanish vice-consul about his visit to Barataria.

As to the treatment that we received from the captain of the aforesaid cruiser, Mr. Cadet, up to our arrival and during our stay in Barataria, it was unequalled in kindness and attention. All our baggage was respected. Nothing was taken from us. Quite on the contrary, a boat with suitable provisions was given to the crew of the schooner *Amable María* with which to go to Havana.⁶¹

The romances, including those already current among Spaniards in New Orleans, would have it believed that Spanish prisoners were murdered and cast into the water. Perhaps Jean Laffite and Captain Cadet did not read the romances.

⁶⁰ Lyle Saxon, *Lafitte the Pirate* (New York, 1930), 82-83.

⁶¹ AGI, PdeC, Legajo 1836, Morphy to Apodaca, May 20, 1814, enclosure.

VII

Not courteous and kind like some of his French companions of Barataria was Vincent Gambi, Italian of nation. The romances of the pirate coast make Gambi always a villain. His reputation as they preserve it differs not at all from a Spanish estimate made of Gambi in the year 1815: "The cruelest and the greatest assassin among all the pirates."⁶² If the Spanish commentator imputed to him offences greater than he habitually committed, at least it is true that the brothers Laffite did with difficulty restrain the Italian commanders of Barataria from robbing captured Spaniards as well as the vessels in which the captives travelled.⁶³ Yet when a special duty presented itself interested persons could depute the task to Gambi with full confidence that he would perform it faithfully.⁶⁴

As in the case of many another privateersman of the warm seas, not even the name of Gambi may be told with certainty. Vincent Gambi he was called indeed and also (at least in the romances) Gambia and Gambio. West Indian refugees in New Orleans had not forgotten the Haitian Negro leaders Galbaud and Gambis and their raid upon Cap François in 1793. No nickname could better befit a mariner whose most agreeable labor would be capture of a Spanish slaver laden with Senegambian Negroes. With suitable inappropriateness Gambi's Baratarian cruiser, the former French privateer *Petit-Milan*, in the year 1814 bore the name *Philanthrope*.

In May of that year the *Philanthrope* cruised along the coast of Mexico under the Cartagenan flag. Off the bar of Tampico she captured the Spanish brig *Fernando 7* of Campeche (Captain Vicente Quintanilla.) With the brig and another prize, the schooner *Marcela*, Captain Gambi sailed into Barataria Bay on the first of June. A call went up the bayous to New Orleans that prize goods might be had on the coast. Customers came. The holds of two Spanish vessels yielded up their riches. Then the cruelest of all assassins among the pirates of Barataria permitted Captain Quintanilla to write to the Spanish vice-consulate of New Orleans a letter dated at Grande Terre:

... Having brought us to this port, where he has sold the cargo of my ship and that of the schooner *Marcela*, which has

⁶² AGI, PdeC, Legajo 1796, Soto to Apodaca, April 25, 1815, enclosure 5.

⁶³ Archivo de Philadelphia, Legajo 42, Picornell to Onís, February 16, 1816.

⁶⁴ AGI, PdeC, Legajo 1898, Onís to Apodaca, August 3, 1816.

met the same fate as we have, after keeping us twenty-eight days in the most cruel situation this man has had the kindness to give us the schooner *Marcela* in order that we may go to Campeche, our home port.⁶⁵

If on acts such as this the indignant Spaniards and romantic creoles based the terrible legend of Gambi, that Italian did not at least meet with retribution some two months later when Commodore Patterson took possession of Barataria and of the vessels found in the bay. Gambi was of those whose cruisers were absent. Throughout the British offensive against New Orleans the *Philanthrope* floated safely at the river levee. As a free man needing no presidential pardon Gambi offered his services to Cartagena's sister republic of the north. Side by side, he and Dominique You commanded the two principal batteries in the repulse of the British forces.

This military interruption of Baratarian affairs worked a change in the *Philanthrope's* status. Again the *Petit-Milan* changed her name and appeared as the American schooner *President*, property of John K. West, a New Orleans merchant.⁶⁶ Quickly then still another change took place, though not with official knowledge of the customhouse. The *President* assumed in secret the name *Aguila* in honor of the eagle that symbolized insurgent Mexico. Transporting a cargo of warlike supplies and a few insurgent officers from Texas she dropped down the river on February 22, 1815.⁶⁷ Her first port was Barataria,⁶⁸ where artillery might be shipped to change her fully into an uncommissioned Mexican privateer. Aboard her sailed Dominique's former first mate, Julius Caesar Amigoni, as commodore. With Amigoni went Vincent Gambi as sailing master.⁶⁹

Nautla, the insurgent port to which the *Aguila* was bound, had fallen already to the royalists,⁷⁰ but by way of another little port only a few miles above Vera Cruz the commodore and the Mexican officers made their way to the insurgent council in the highlands. Vincent Gambi meanwhile took command of the cruiser. He captured two Spanish schooners, the *Nuestra Señora de Rosario*

⁶⁵ AGI, PdeC, Legajo 1836, Quintanilla to Morphy, June 29, 1814.

⁶⁶ AGM, Notas Diplomáticas, v. 1, the viceroy to Onís, April 6, 1816, enclosure, Herrera to the Mexican Supreme Government, November 26, 1815.

⁶⁷ AGI, PdeC, Legajo 1796, Morphy to Soto, March 15, 1815.

⁶⁸ AGI, Indiferente General de Nueva España, Legajo 136-7-9, *Copias de las papeles dirigidas por el traidor Toledo*, Toledo to Bean, February 17, 1815.

⁶⁹ AGI, PdeC, Legajo 1836, Morphy to Apodaca, April 10, 1815. Cf. *Claiborne Letterbooks*, VI, 355.

⁷⁰ *Gazeta de México*, December 30, 1814.

and the *Santa Rita*.⁷¹ On April 10 it was reported in New Orleans that the *Aguila* had made port at Barataria with her two prizes.⁷²

If news of Barataria could come to New Orleans, news of New Orleans could go equally well to Barataria. It may be that Captain Gambi learned quickly what already was known in town,⁷³ that Lieutenant Thomas S. Cunningham USN had just sailed to reconnoitre the westerly coast. The American squadron on patrol duty consisted of the *Nonesuch*, two other small schooners and, as flagship in those shallow waters, *Gunboat No. 65*. The prize *Rosario* escaped detection; not so, Gambi's cruiser *Aguila* and her other prize, the *Santa Rita*. In company with another schooner, the Cartagenan privateer *Presidente* (Captain Pierre La Maison) and under the same Cartagenan flag, Captain Gambi had almost reached Cat Island when the *Aguila* (*alias Presidente*), the *Presidente* and the *Santa Rita* fell prize to the American gunboat.⁷⁴

The federal district court in New Orleans condemned Gambi's *Aguila* and La Maison's *Presidente*, and restored to the Spanish owners the *Santa Rita* and her cargo and the cargoes of the two cruisers. Gambi awaited trial under the only applicable law then in existence, the Act of Congress of June, 1794.⁷⁵ So weak was the force of this statute that little hope of conviction was held when the case came at last into court. Even after hearing testimony from two Spaniards, sailors from the *Rosario*, the trial jury disagreed. Gambi went free of the criminal charge that had been made against him.⁷⁶

With reputation enhanced by his success in the district court Gambi found himself chosen to lead the naval expedition that the Barataria Association of New Orleans was planning against the coast of Mexico in coöperation with a military attack by way of Texas.⁷⁷ The plan fell through. Whether the Italian captain took part in filibustering voyages of the late summer and the autumn has not appeared in the reticent records of Louisiana adventurers. In June of 1816 the brothers Laffite deputed to him command of their Mexican cruiser *Victoria* with a crew of forty-six men.⁷⁸

⁷¹ AGI, PdeC, Legajo 1836, Morphy to Apodaca, September 4, 1815.

⁷² AGI, PdeC, Legajo 1836, Morphy to Apodaca, April 10, 1815.

⁷³ AGI, PdeC, Legajo 1796, Soto to Apodaca, April 25, 1815, enclosure 5.

⁷⁴ AGI, PdeC, Legajo 1828, correspondence of the commanders of English vessels, American enclosure; cf. *Louisiana Gazette*, May 2, 1815.

⁷⁵ *American State Papers, Foreign Relations*, IV, 432.

⁷⁶ AGM, *Notas Diplomáticas*, v. 3, Onís to the viceroy, August 14, 1815; AGI, PdeC, Legajo 1836, Morphy to Apodaca, September 4, 1815.

⁷⁷ AGI, PdeC, Legajo 1796, Morphy to Apodaca, July 10, 1815.

⁷⁸ AGI, PdeC, Legajo 1898, Onís to the captain-general, August 3, 1816.

Gambi followed the fortunes of his employers. When the Laffites established a port for themselves in Galveston with the most informal of admiralty courts as their own creation, Gambi took one of the commissions that General Humbert issued for the new enterprise. This commission authorized the holder to carry only two guns aboard his cruiser. Gambi's privateer, the two-top-sail schooner *Rose*, was known to the Spanish consulate of New Orleans as being equipped with four 9-pounders in addition to a crew of forty-five men.⁷⁹ One result of the *Rose's* cruise may perhaps be seen in a report from Jamaica that in mid-November of 1818 a fine Spanish brig bound to Campeche with a valuable cargo was captured off Sisal "by a small schooner commanded by one Vincent."⁸⁰

New Orleans heard a rumor late in 1819 that Gambi had been murdered by members of his own crew.⁸¹ The rumor proved to be false. Gambi continued for many years to inhabit the coast that had given to his years of youth an adventurous living. In Barataria he became a ruler such as Jean Laffite once had been. It is told that Vincent Gambi attained to a great age, a Baratarian patriarch dominating his own island home and the white people who lived there and excluding from it the mixed bloods of Grand Isle. But even here Barataria demands its right to the uncertainty of romance. One story tells that Gambi governed his Barataria from Chenière Caminada.⁸² Another will have it that he and his memories of the Cartagena flag housed themselves on Timballier Island.⁸³

VIII

Certain circles of New Orleans river-front society may perhaps have known Charles Lominé in earlier years, but not until 1811 did this man enter prominently into the newspapers. His previous experience in war upon the sea may be inferred from the facts that in warfare continuing against Spanish commerce he succeeded as commander of the French privateer *Vengeance* so competent⁸⁴ a warrior as Dominique Diron and that Diron remained aboard the *Vengeance* as sailing master. The *Vengeance* quitted

⁷⁹ *House Documents*, 15 Cong., 2 Sess., v. 6 (Ames 22), No. 100, Patterson to the secretary of the navy, November 18, 1818; AGI, PdeC, Legajo 1900, Fatio to the captain-general, October 13, 1818.

⁸⁰ *Bell's Weekly Messenger* (London), February 21, 1819.

⁸¹ *Courrier de la Louisiane*, November 17, 1819.

⁸² *Atlantic Monthly*, XCI, 810.

⁸³ *Louisiana Historical Quarterly*, II (1919), 305.

⁸⁴ George Coggeshall, *A History of American Privateers and Letters of Marque* (New York and London, 1856), 172-175.

the friendly coast of Louisiana in June. Five months later in Savannah a gang of American sailors who did not like French privateersmen seized the schooner and set her afire.⁸⁵ Captain Lominé retired to Charleston. With a new pilot-boat-built cruiser he soon made his presence known on the coast farther to the north.⁸⁶

This new small craft may have been the privateer *Félix*, which under another commander brought a Spanish polacra prize into the Mississippi River a few months later.⁸⁷ For aboard a little schooner that once had borne the name of *Félix* the commander of the lost *Vengeance* sailed out of Cartagena in the days when Cartagena was a privateer port. Surviving naval records of the time present Captain Lominé in Cartagena on October 1, 1814, as "an enterprising, wealthy and very determined man" who sided with the conservative political faction there in a brief municipal revolution.⁸⁸ His schooner carried then the name of the *Piñérez*, a family prominent in the politics of Cartagena. Under the Venezuelan name of *Júpiter*, Captain Lominé's cruiser had its part eighteen months later in the republican expedition wherein General Simón Bolívar led Cartegenan refugees from Haiti to attack the royalists of Venezuela.⁸⁹

The expedition from southern ports in Haiti sailed eastward in order to take the trade winds for the route along the Windward and Leeward Islands, and so it coasted the southern shore of Spanish Santo Domingo. At Punta Salinas Captain Lominé sent an armed party from his *Júpiter* to the land and captured the village priest, whom he held for ransom at the value of two beef cattle. In such form, at least, the story became current in Jamaica,⁹⁰ although the Venezuelans told it differently.⁹¹ New Orleans preferred the Jamaican account, whether taken from the newspapers or brought back by Captain Lominé himself. From this origin, it seems, arose the legend that Jean Laffite once captured a bishop in Santo Domingo and held him for a princely ransom.

Off the Venezuelan island of Margarita on May 2, 1816, General Bolívar's squadron of seven little armed schooners gave

⁸⁵ Philadelphia *Aurora*, December 6, 1811.

⁸⁶ Baltimore *Federal Republican*, December 6, 1811, January 14, 16, 1812.

⁸⁷ *National Intelligencer*, tri-weekly, August 20, September 26, 1812; *American State Papers, Foreign Relations*, IV, 535.

⁸⁸ The manuscript of Henry LaFayette Villaume Ducondray-Holstein, *Memoirs of Simón Bolívar* (Boston, 1829), 78-79, was read differently in the editions of London (I, 205) and Paris (I, 195).

⁸⁹ Vicente Lecuna, *Expedición de los Cayos* (pamphlet, Caracas, 1928; reprint from *Cultura Venezolana*, No. 86), 19, 38-39.

⁹⁰ *Jamaica Courant*, April 20, in Philadelphia *Weekly Aurora*, May 21, 1816.

⁹¹ *Boletín de la Academia Nacional de la Historia* (March 31, 1923, Caracas), IV, 355.

battle to two Spanish armed vessels, the brig *Intrépido* and the fore-topsail schooner *Rita*. While the republican flagship, commanded by René Beluche of New Orleans, attacked the brig, the *Júpiter* and two other schooners pursued the fleeing *Rita* and made prize of her.⁹² The *Rita* passed then into possession of Beluche, who brought her to New Orleans for refitting as his own cruiser. Captain Lominé and the *Júpiter* also returned to New Orleans, but only to part company. When Beluche's privateer, now the hermaphrodite brig, *General Arismendi*, quitted New Orleans in February of 1817, it was Captain Lominé who cleared her out for Margarita.⁹³ On the twenty-seventh the brig left the Balize with Lominé as sailing master and Beluche as commodore.⁹⁴

Apparently Captain Lominé continued aboard the *General Arismendi* privateer during the cruises on which Commodore Beluche sailed in 1817 and the first part of 1818. In August of that latter year⁹⁵ the vessel came up to New Orleans for another refitting. Beluche retired from command of her in order to take up other duties for South America. On November 1 the *General Arismendi* sailed again, this time with Lominé in full command. The earlier Margaritan commission had been renewed in Margarita under date of February 1, 1818.⁹⁶ The brig carried one 18-pounder swivel gun and six 12-pounder carronades.⁹⁷

Nearing the end of a four-months' cruise, in the first days of February, 1819, Captain Lominé stopped off Havana to fight a duel. Within the harbor lurked the 18-gun hermaphrodite brig *Almirante*, Cuba's chief naval vessel. Manuel de los Ríos⁹⁸ had only recently given over command of that warship to Guillermo de Aubarede, a Spanish lieutenant commander (*teniente de navío*),⁹⁹ who had seen earlier service against the republicans of Venezuela. In February of 1816 Lominé had encountered Aubarede in Jamaica spying out information that might help the royalists of the mainland to meet and destroy the refugee expedition from Haiti in which Lominé was to have part.¹⁰⁰ Now Lominé and his

⁹² Lecuna, *op. cit.*, 42-43; Philadelphia *Weekly Aurora*, July 9, 1816.

⁹³ *Louisiana Gazette*, February 18, 1817.

⁹⁴ *Ibid.*, March 8, 1817; cf. AGI, PdeC, Legajo 1900, Morphy to the captain-general, February 26, 1817.

⁹⁵ New York *Evening Post*, s-w., September 16, 1818.

⁹⁶ *United States Reports*, 5 Wheaton 338.

⁹⁷ AGI, PdeC, Legajo 1900, Fatio to the captain-general, November 4, 1818.

⁹⁸ Baltimore *Patriot*, in Chillecothe *Weekly Recorder*, May 28, 1817.

⁹⁹ AGI, PdeC, Legajo 1900, Fatio to the captain-general, February 19, 1818.

¹⁰⁰ Lecuna, *op. cit.*, 18-19.

7-gun cruiser lay off Havana inviting Aubarede and his 18-gun sloop-of-war to continue the Venezuelan War to the Death.

On February 4 the *Almirante* came out to fight a battle of unequal forces. The forces asserted themselves in inverse ratio. Havana's warship soon retired under the guns of the Morro with the loss of two men killed and two men wounded.¹⁰¹ Captain Lominé, having had his revenge after two years of delay, sailed contentedly towards the horizon.

After this personal triumph Captain Lominé made another cruise to the Caribbean. There he withdrew from the deck of the *General Arismendi* in order to assume command of the Venezuelan state schooner *Caroni*.¹⁰² But, as happened to other privateersmen, service in a state vessel gave him little pleasure. As he disappears from the newspapers, so he appears in the first city directory of New Orleans as a sea captain with a respectable home at 168 Burgundy Street near the faubourg Marigny.¹⁰³ In 1826 an old friend found Captain Lominé living in New Orleans.¹⁰⁴

IX

From New Orleans in February of 1810 Joseph Sauvinet's brig *Intrépide* sailed as a merchant vessel. At St. Bart's she picked up a French privateer commander, Pierre Brugman, who took her to St. Martin's Island and made her into a commissioned French privateer. Before Captain Brugman brought the *Intrépide* back to New Orleans, Ange Michel Brouard's privateer the *Duc de Montebello* (late of Baltimore) had come into port from Savannah carrying among other things a French commission that Brugman might use for another privateer.¹⁰⁵

The coming of the *Duc* from the Atlantic seaboard with a commission for Brugman suggests that that paper originated not in St. Martin's or Guadeloupe but in the French naval headquarters of King Joseph Bonaparte's Spanish government. It may help to explain Brugman's disappearance from New Orleans, following the embargo and trial of the *Intrépide*, and the arrival two years later at Baltimore of the St. Sebastian's privateer *Général Morlot*,

¹⁰¹ New York Advertiser, s-w., March 2, 1819; Niles' Register, XVI, 56.

¹⁰² Cf. New York Advertiser, s-w., November 26, 1819.

¹⁰³ New Orleans City Directory for 1822.

¹⁰⁴ Gustave Schlumberger, ed., *Mémoires du Commandant Persat, 1806-1844* (Paris, 1910), 183.

¹⁰⁵ Louisiana Gazette, April 12, 1810.

commissioned by King Joseph and commanded by a captain whose name reached American newspapers as Brookman.¹⁰⁶ But Captain Brookman and his cruiser likewise disappear. Out of thin air and other ingredients are created Captain Pierry and his Cartagenan privateer *Nuestra Señora de la Popa*.

This was a schooner of 130 tons,¹⁰⁷ armed with one 16-pounder, one 12-pounder, twelve 6-pounder carronades and fifty muskets, and carrying a crew of one hundred men.¹⁰⁸ Her draft cannot have been deep since (perhaps by means of tripping) she was able to cross the 8-foot bar of Wilmington.¹⁰⁹ Her name she took from the church-crowned Popa hill, which overlooked the citadel of Cartagena. Captain Brugman's officers and crew called their cruiser the *Popa* and addressed their chief familiarly as Captain Pierry,¹¹⁰ but when Brugman went to law about one of the *Popa's* prizes his full name and that of his schooner came into use. Pierre Brugman was part owner of the *Popa*.¹¹¹ His Flemish name suggests that the Netherlands island colony of Curaçao, home of the Venezuelan admiral Luis Brión, may have had also some proprietary interest in the cruiser.

The exploits of the *Popa* made a strong impression on at least one Spanish Officer in the Americas.¹¹² Yet little more than one year of her Cartagenan cruising is reconstructed now. In December of 1814 Captain Brugman took his privateer out of Cartagena to cruise under a commission that the United States Supreme Court was later to respect. On January 21, 1815, off Santiago de Cuba he captured the ship *Nuestra Señora de la Caridad* and thus entered into an affair that involved him and his commission until his agreeable success in February of 1819.¹¹³ On July 22 he captured the Spanish ship *Cleopatra*, Cádiz to Havana. His prize crew took the prize not to blockaded Cartagena but to the Louisiana coast.¹¹⁴ Returning to Cartagena the

¹⁰⁶ *Columbian Centinel* (Boston), July 11, September 9, 1812.

¹⁰⁷ *Charleston Courier*, in *London Chronicle*, May 28, 1819.

¹⁰⁸ Manuel Ezequiel Corrales, ed., *Documentos para la Historia de la Provincia de Cartagena*, (2 v.; Bogotá, 1883), II, 296-298.

¹⁰⁹ *Cape Fear Recorder*, January 2, in *New York Advertiser*, s.w., January 15, 1819.

¹¹⁰ Corrales, *op. cit.*, II, 296-298; Ducoudray-Holstein, *op. cit.*, 120.

¹¹¹ *United States Reports*, 4 Wheaton 497.

¹¹² Rafael Sevilla, *Memorias de un oficial del ejército español* (Puerto Rico, 1877), 201, in Lecuna, *op. cit.*, 10.

¹¹³ *United States Reports*, 4 Wheaton 497.

¹¹⁴ AGI, PdeC, Legajo 1828, correspondence of English commanders, American enclosure.

Popa slipped in through the Spanish blockade. She escaped in November in company with Brión's privateers.¹¹⁵

Brugman and the *Popa* had the honor of transporting General Bolívar in December from his refuge in Jamaica towards Cartagena. Warned at sea by a privateer from that port that Cartagena had fallen to the royalists, the *Popa* proceeded to Haiti.¹¹⁶ She left General Bolívar at Aux Cayes and went cruising. Soon she captured a Spanish schooner. Since no republican admiralty court was accessible at the moment for condemning a prize, Brugman transferred the Spaniard's lading to a smuggling vessel from the United States.¹¹⁷ Then, to provide funds whereby General Bolívar might finance his proposed expedition against the royalists of Venezuela, Brugman took aboard a cargo of two thousand muskets that Brión had brought to Haiti, and sold them to Guadalupe Victoria, the Mexican insurgent commander of Vera Cruz province.¹¹⁸ In April the *Popa* came into the port of New Bern, North Carolina.¹¹⁹ Although she sailed out one year later under command of Jean Dévers, it is not known that Brugman again took part in the wars of Spanish-American independence.

In his visit to Haiti the *Popa's* commander revealed the difference of opinion as to civilized warfare that existed between the Spaniards and Spanish-Americans and the French mariners who took part in those wars. Rival commanders on the mainland, royalist and republican, had been waging for years a war without quarter that General Bolívar in 1813 saw it necessary to establish as a policy of state. So was continued the War to the Death, which worked incalculable injury to Venezuela and to the provinces of the future Colombia. Captain Brugman, having taken Spanish prizes off the coast of Haiti, set his Spanish prisoners free on the coast of Cuba despite the order of republican officers that the captives should be executed.¹²⁰ His policy was that of Barataria and of Galveston, even that of Mexico.¹²¹ Yet the Venezuelan War to the Death remains to-day attributed in romance to the privateersmen of the Gulf.

¹¹⁵ Doucoudray-Holstein, *op. cit.*, 119-120.

¹¹⁶ Doucoudray-Holstein, *op. cit.*, 121; Felipe Larrazábal, *Vida y correspondencia general del libertador Simón Bolívar* (2 v.; New York, 1883), I, 409.

¹¹⁷ Corrales, *op. cit.*, II, 296-298.

¹¹⁸ José Félix Blanco and Ramón Azpurua, *Documentos para la historia . . . del Libertador* (14 v.; Caracas, 1875-78), V, 398-412; Hernández y Dávalos, *op. cit.*, VI, 908; AGI, PdeC, Legajo 1898, Onís to the captain-general, August 3, 1816.

¹¹⁹ *Kentucky Reporter*, May 24, 1816.

¹²⁰ Corrales, *op. cit.*, II, 296-298.

¹²¹ *Of. Philadelphia Weekly Aurora*, July 30, December 2, 1816.

X

While newspapers were telling stories, royalist and republican, true and false, of the War to the Death, one editor in Charleston complained merely that Captain Brugman's successor in command of the Cartagenan privateer *Popa* had cruised under various names. Perhaps such equivocation was not the fault of this Frenchman from the old privateer port of Dunkirk. No one among his associates succeeded in having his various names more variously misspelled.

Since the beginning of the century he had cruised as a French privateersman. Coming to New Orleans¹²² after long experience on the sea he made the acquaintance of René Beluche. With a Venezuelan commission as lieutenant commander (*teniente de navío*) he acted under Captain Beluche as mate of General Bolívar's flagship in republican operations of May, 1816, against the royalists of Margarita Island. The republican records preserve his name as *Devesge*.¹²³ Under the spelling *Duverg* the royalists posted him as a French pirate.¹²⁴

With Beluche and Lominé and their new squadron of Venezuelan cruisers the French pirate returned to New Orleans. It is doubtless he who appeared there in public print as Captain *Davit*, bringing in Commodore Aury's crippled flagship *Belona* from Galveston, late in 1816, with a cargo of prize goods.¹²⁵ Charles DeWater cleared the *Belona* for Galveston early in February, and there on March 4 Commodore Aury issued a new Mexican commission for her.¹²⁶ It may have been aboard the *Belona* that Captain *Davit* sailed from New Orleans to take up new duties out of the Texas port. Under a commission already in existence he went cruising in command of the falouche *Culebra*, which may have been the one of that name possessing a Cartagenan history.¹²⁷

The *Culebra's* captain contributed at least one Spanish prize to Galveston in March; the Spanish consulate of New Orleans, copying Jean Laffite's mention of this capture, spelled the captor's name then as *Deveze*.¹²⁸ But the New Orleans customhouse thought it was Captain *Davis* who brought the *Culebra* to New Orleans on

¹²² Charleston *Courier*, in London *Chronicle*, May 28, 1819.

¹²³ Lecuna, *op. cit.*, 46-47.

¹²⁴ Corrales, *op. cit.*, II, 332.

¹²⁵ Louisiana *Gazette*, January 27, 1817.

¹²⁶ *Ibid.*, February 12, 1817; American *State Papers*, Foreign Relations, IV, 136.

¹²⁷ *Of. Larrazábal*, *op. cit.*, I, 330.

¹²⁸ Louisiana *Historical Quarterly*, XXI, (1938), 1103.

the twenty-fifth.¹²⁹ On April 4, in Galveston, Commodore Aury dated a Mexican commission for the *Culebra*. The New Orleans customhouse, glancing at this document some months later, read the commander's name as *Deverge*.¹³⁰ In a widely published list prepared two years later by the Spanish legation the *Culebra's* commander figured as *Drouet*.¹³¹ Another year's time brought several corrections to the list, but Captain *Drouet* remained all but inviolate as Captain *Droet*.¹³² Nevertheless on May 14, 1817, the customhouse had reread the name as *Deveze* when this captain cleared the *Culebra* again at New Orleans.¹³³

A heavily armed schooner whose presence in the Gulf did not make itself known to the newspapers arrived at Galveston about this time.¹³⁴ Her commander, Captain Neps, remains otherwise unknown to fame. Apparently this vessel was the *Popa*, taken from New Bern, North Carolina,¹³⁵ to New York for refitting and delivered at Galveston for the benefit of a new owner in New Orleans. Aboard the old *Popa* the French pirate Margarita did go cruising.

Under a new Mexican commission issued by Commodore Aury the *Popa* needed a new name. Aury gave the name *Victoria*, or *Victoire*, to one vessel that remained for several years in his own squadron. To a schooner from New Orleans the insurgent commander on the coast of Vera Cruz already had given the name of his superior officer, Guadalupe Victorio, future president of Mexico. That did not prevent Aury and the French pirate of Margarita from using a similar name. Rerigged as a hermaphrodite brig and calling herself the *General Victoria* the old *Popa* went hunting. Her captain's habit of replenishing his stores of food by robbing all vessels that he visited at sea permitted extension of his cruises to more than ordinary length. In April the *Popa* made a prize.

This was the Netherlands schooner *Two Sisters*, which a British merchant of Jamaica had sent for a cargo to royalist Puerto Cabello in Venezuela. Carrying products Spanish in origin but

¹²⁹ *Louisiana Gazette*, March 27, 1817.

¹³⁰ *American State Papers, Foreign Relations*, IV, 136.

¹³¹ *Ibid.*, IV, 585.

¹³² *New York Advertiser*, s-w., July 20, 1819.

¹³³ *Louisiana Gazette*, May 15, 1817.

¹³⁴ *Louisiana Historical Quarterly*, XXI, (1938), 1103. Another possibility may be the *Tucumán* (Captain George Wilson) of Buenos Aires and Baltimore, which refitted at New Orleans in May and sailed June 3: *Gazeta de Buenos Ayres*, November 8, 1817.

¹³⁵ *Cf. Kentucky Reporter*, May 24, 1816; *Charleston Courier*, as above.

now British in ownership the neutral vessel was approaching the Netherlands island of Curaçao when the *General Victoria* halted her. The pirate of Margarita put the Netherlands captain and crew ashore at Bonaire. He sent his prize away on a course that would have brought her to the smuggler's port of St. Bart's if a Haitian squadron had not recaptured her as she passed Aux Cayes on the southern coast of Haiti.¹³⁶

Complaint from the *Two Sisters'* captain caused the authorities of Curaçao to send out a warship in pursuit of the privateer. The pursuit ended too soon. On May 10, seventy or eighty miles to the eastward of Bonaire, the *General Victoria* came upon a falouche convoyed by two lightly armed Spanish brigs. The *General Victoria* first offered battle with her long-range guns and then made to board one of the brigs. The privateer's bowsprit locked in the Spaniard's mainshrouds. Battle continued at short range until the Spaniard's powder magazine blew up, destroying the brig and carrying away the privateer's bowsprit. Then the other brig approached, expecting easy victory, only to retreat before fire from two republican long toms. Since Mexico did not take part in the War to the Death the privateersmen from the north rescued the surviving Spaniards from the wreck and next day hired a fisherman to land them on Curaçao.

Such was the story told by the *General Victoria's* commander when he came back to Wilmington in June to refit. Wilmington knew him then as *John Devezé*.¹³⁷ The captain of the *Two Sisters* learned on a visit to Haiti that the privateer was the old *Popa* and the commander's name *J. Davis*.¹³⁸ In a document published some years later by the Haitian commandant of Aux Cayes that name appears as *Hesbert*.¹³⁹ This may have been no more than a Spanish phonetic misspelling of the name by which the privateersman was called later in the year.

The *General Victoria* left Wilmington about the end of August, 1818, for another cruise.¹⁴⁰ It was reported in Boston that in three months' time her commander, *John Dievers*, made visitation upon fifty-two vessels of neutral nations and "plundered the whole, more or less."¹⁴¹ At the same time Charleston gossiped indignantly over

¹³⁶ *New York Advertiser*, s-w., July 3, 1818.

¹³⁷ *New York Evening Post*, s-w., June 20, 1818.

¹³⁸ *New York Advertiser*, s-w., July 3, 1818.

¹³⁹ Blanco and Azpurua, *op. cit.*, V, 407.

¹⁴⁰ *Cape Fear Recorder*, January 2, in *New York Advertiser*, s-w., January 15, 1819.

¹⁴¹ *London Courier*, April 13, 1819.

similar news. Since it appears inconvenient to assert what Spanish warship, if any, overcame him or what hurricane, if any, engulfed him,¹⁴² the pirate of Margarita may suitably be left here to go his ruthless way among ship's stores. Only one point need be added: In Charleston they spelled his name *Deivers*.¹⁴³

XI

More than one privateer captain suffered from mispronunciation and poor penmanship. Captain Bellegarde's *nom de guerre* turned itself even into Vergara in the mouth of one Spaniard and on the pen of another.¹⁴⁴ His real name, Battigne, received worse treatment. It seems probable that he had been Joseph Battigne in the island of Guadeloupe, which was the land of his birth.¹⁴⁵ In the United States he is commemorated in print as Rartigne, Rastique, Rustique and Roustique. If he was that last of the French privateersmen of Guadeloupe who presented himself to New Orleans in 1810 as Marcellin Battigne, the list of variants may be lengthened.

Captain Bellegarde came with Commodore Aury to the Gulf of Mexico in 1816, but not to the coast of Louisiana. He came up along the coast of Vera Cruz to Galveston, stopping on the way to take a Spanish prize. The Galveston mutiny of September 7¹⁴⁶ began among the seventy Haitian sailors aboard his schooner *Créole* in the bay. With the *Créole* and two other privateers the mutinous Haitians sailed two days later for their home in the Caribbean,¹⁴⁷ where they arrived in the latter part of October. General Simón Bolívar had been paying a visit in Port-au-Prince since early in the month, and his Venezuelan republican admiral, Louis Brión, waited with a republican squadron at Aux Cayes.¹⁴⁸ With or without passage through a Haitian admiralty court the *Créole* entered into the Venezuelan squadron.

Apparently the Haitians had taken Captain Bellegarde with them as their navigator. For Bellegarde disappeared thenceforth from Galveston and on June 25, 1817, reappeared at New Orleans

¹⁴² The *John Davis* who was hanged in Nassau for piracy at about this time was quite another Frenchman: *New York Advertiser*, s-w, March 13, 1818.

¹⁴³ *Charleston Courier*, in *London Chronicle*, May 28, 1819.

¹⁴⁴ AGM, Historia, v. 152, Arredondo to Apodaca, March 8, 1817, enclosure, declaration of Sánchez.

¹⁴⁵ *New York Advertiser*, s-w., February 19, 1819.

¹⁴⁶ *Of. Louisiana Historical Quarterly*, XXI, (1938), 1092.

¹⁴⁷ AGM, Historia, v. 152, as above, and *Notas Diplomáticas*, v. 2, declaration of Peña.

¹⁴⁸ AGI, PdeC, Legajo 1898, Onís to Cienfuegos, February 28, 1817.

as a Venezuelan commander. His schooner *Créole* bore her new Venezuelan name of *Guerrera*, three guns, a clearance from Margarita Island,¹⁴⁹ and a commission from General Bolívar.¹⁵⁰ In that commission Captain Bellegarde was using his real name, Battigne. To intimate friends he had a story to tell.

On May 10, in the waters of the Great Antilles, Captain Bellegarde had made a prize, a brig of Spanish registry called the *Fourth of July*, which once had been Dominique Diron's United States privateer *Saucy Jack* of Charleston.¹⁵¹ Captain Bellegarde gave the brig a prize crew and ordered her for a Haitian port. A British warship, the *Rifleman*, halted the *Saucy Jack*, removed the Venezuelan crew, gave the prize a British crew and ordered her for Jamaica. Off the coast of Haiti Captain Bellegarde came upon his prize in alien hands. He took the British crew aboard the *Guerrera*, gave the *Saucy Jack* a new Venezuelan crew and ordered her for Margarita. On May 28 the British Warship *La Pique* made prize of the *Saucy Jack* and brought her to rest on June 1 in a Jamaican harbor. Meanwhile Captain Bellegarde had arrived off Kingston and politely sent his British guests ashore into a storm of British indignation. Then one of his own men whom he put secretly on land was captured and held in prison. To prison also went the Venezuelan crew brought in a day or two later by the warship *La Pique*. Perplexed by such treatment given to citizens of a friendly if unacknowledged state, Captain Bellegarde remained discreetly aboard his own armed schooner and only by correspondence demanded the release of his imprisoned men.¹⁵²

Two years earlier a privateer of the United States had recaptured under similar circumstances a prize made by another patriot privateer. When Captain Bellegarde was using diplomacy of the British colonial coast of Jamaica, the earlier American case was in process of adjudication, with ultimate decision of the United States Supreme Court in favor of the first (patriot) captain.¹⁵³ Captain Bellegarde himself contributed a similar case to the growing admiralty records of the United States when in November of 1817 he captured a Spanish ship, the *Amistad*.

¹⁴⁹ Cf. *Columbian Centinel*, July 30, 1817.

¹⁵⁰ *American State Papers, Foreign Relations*, IV, 136, 535. The date of the Margaritan commission as reported by the New Orleans customhouse was August 20, 1816, when Captain Bellegarde was in Galveston and General Bolívar was in Güiría.

¹⁵¹ *New York Advertiser*, s.w., July 1, 1817.

¹⁵² Extracts from Jamaica newspapers, in *Chillicothe Weekly Recorder*, July 16, 1817.

¹⁵³ *United States Reports*, 4 Wheaton 497.

Off the mouth of the Mississippi River the ketch *Surprise* USN retook the prize. Judge Hall in the New Orleans district court ordered restitution to the original Spanish owners and assessed damages against the patriot captor. In 1820 the Supreme Court reversed Judge Hall and ordered restitution of the *Amistad* to the original captor (Captain Bellegarde) on the ground that the *Guerrera* was commissioned by a belligerent state (Venezuela) whose belligerency had been recognized¹⁵⁴ by the United States government.¹⁵⁵ Captain Bellegarde had not been able to make good such a plea at Kingston, since the British government did not recognize the belligerency of Spanish-American states until June 8, 1818.¹⁵⁶

In 1818 Captain Bellegarde put his *Guerrera* into the useful if unexciting task of carrying European shipments of munitions from transshipping points in the Antilles to the republican coast of Venezuela. By the end of the year he was practicing his old trade again. Off the smuggler's port of St. Bart's he cruised for Spanish ships with his new Venezuelan schooner *Belona*, her decks "covered with ruffians of all colors." Less discreetly than at Kingston he ventured ashore at St. Bart's and "was surprised and taken by the government on charges of several acts of piracy."¹⁵⁷

Although it "was generally believed that the facts would be proved," Captain Bellegarde returned in time to cruise for Venezuela again. In the decisive naval battle of Maracaibo Bay in May of 1823 command of one republican vessel was accorded to him. There in the service of independence he lost his life.¹⁵⁸

XII

Fleeing with republican refugees from the Spanish attack upon Cartagena de Indias in December of 1815 went merchant vessels and armed schooners in a squadron led by the flagship *Constitución*. This was one of the two armed schooners owned by the Granadine state of Cartagena. She carried five guns, one a long-tom brass 18-pounder and the others 8-pounders of iron. At Aux Cayes in

¹⁵⁴ Cf. *American State Papers, Foreign Relations*, IV, 423, 426; John Bassett Moore, *Digest of International Law* (2 v.; Washington, 1906), I, 170-173.

¹⁵⁵ *United States Reports*, 5 Wheaton 385.

¹⁵⁶ *London Courier*, July 24, 1818. Cf. William B. Manning, ed., *Diplomatic Correspondence of the United States Concerning the Independence of the Latin-American Nations* (3 v.; New York, 1925), III, 1443.

¹⁵⁷ *New York Evening Post*, in *New York Advertiser*, s-w., February 19, 1819.

¹⁵⁸ Alfred Hasbrouck, *Foreign Legionaries in the Liberation of Spanish South America* (New York, 1928), 288 note, 346-347.

Haiti, where the refugees collected forces for a return to the mainland, the *Constitución* gave up her position as flagship to a 6-gun vessel. Nevertheless with one hundred and ten men on board she took part in the expedition that General Bolívar led in April of 1816 against the royalists of Venezuela. Jean Monier was her commander.¹⁵⁹

In the naval battle of May 2, 1816, which brought General Bolívar to a triumphant landing on the Venezuelan island of Margarita, Captain Monier had a principal part. The *Constitución* and the new flagship captured an enemy brig armed with fourteen guns and carrying one hundred and forty men. In the same month¹⁶⁰ the *Constitución* received one of the Venezuelan commissions, good for one year, that General Bolívar issued within the next few weeks¹⁶¹ to various armed vessels.

The Venezuelan squadron, late of Cartagena, had not recently undergone repairs. The schooner *Constitución* was among those ships that the new Venezuelan admiral sent to the United States to be repaired. Since she had already had some attention in Aux Cayes¹⁶² the *Constitución* deferred her northward voyage until late in the year. Throughout the month of December she lay in the port of New Orleans.¹⁶³ In January she entered the shipyards.¹⁶⁴ A thorough overhauling detained her until April but released her in time to permit a return to Margarita within the term of her commission. On April 7 Captain Monier cleared his ship for her Venezuelan home port; on the seventeenth the *Constitución* sailed from the Balize¹⁶⁵ with a crew of about forty men.

Captain Monier may have passed Havana without sighting the privateer schooner *Galveston* (Captain Jean-Bâstiste Salain) of Commodore Aury's squadron, which had been raiding Spanish shipping off the northern coast of Cuba. On April 22 the Spanish naval cruiser *Almirante* captured the *Galveston* only a few hours' sail from Havana after firing three rounds into her hull. The privateer sank. The Spaniards picked up nine privateersmen from the water. Twenty-seven others, aware of the terms of the War to the Death, offered resistance and were left to drown.¹⁶⁶

¹⁵⁹ Lecuna, *op. cit.*, 19, 38.

¹⁶⁰ Jamaica newspaper, in Charleston newspaper, in Chillicothe *Weekly Recorder*, July 16, 1817.

¹⁶¹ *Of. American State Papers, Foreign Relations*, IV, 136.

¹⁶² Blanco and Azpurua, *op. cit.*, V, 401.

¹⁶³ *Louisiana Gazette*, December 9, 27, 1816.

¹⁶⁴ *Ibid.*, January 27, 1817.

¹⁶⁵ *Ibid.*, April 8, 26, 1817.

¹⁶⁶ Official report, from a Havana newspaper, in Baltimore *Patriot*, in Chillicothe *Weekly Recorder*, May 28, 1817.

A little farther to the eastward, within the Straits of Florida, Captain Monier and the *Constitución* on April 24 captured the eastbound slaver schooner *Estrellá* out of Havana. Captain Monier took nine men of the slaver's crew aboard his cruiser and left a prize crew aboard the *Estrellá*. Then a sudden squall struck the two vessels. The *Constitución*, though recently from the shipyards, capsized and sank, carrying down her captain and twenty-seven privateersmen and the nine Spaniards. When the storm had passed the republican prize crew set the *Estrellá* on a course for the Mississippi River. A United States war vessel stopped them off the coast of Barataria and sent them up to New Orleans.¹⁶⁷ There they told the world, and therefore their admiral far away in Venezuela, that the Venezuelan squadron had lost a famous ship.

XIII

Mutiny and murder on the high seas formed a story that horrified people of two continents and made famous in the last years of the eighteenth century the previously undistinguished *Hermione*, a British vessel.¹⁶⁸ So it was no compliment to William Mitchell when newspapers asserted in the year 1816 that that man had been a member of the *Hermione's* crew.¹⁶⁹

England produced William Mitchell.¹⁷⁰ The United States received him. The Chesapeake, of course, produced his Cartagena privateer; no other spot in the world¹⁷¹ could build so swift a little 53-ton schooner as was the *Cometa*. From New Orleans, more likely than directly from the Virginia Capes, the *Cometa* went to Cartagena. There she acquired a privateer commission under which Mitchell earned a reputation throughout the Caribbean and the Gulf. Her mounted armament¹⁷² consisted of one long tom only, a brass gun that displayed the date 1648 and rated a charge of twelve pounds of powder and a twelve-pound projectile.

In December of 1815 the besieged and starving republicans assembled their privateer fleet within Cartagena Bay to carry them through the blockading royalist squadron and towards safety

¹⁶⁷ AGI, PdeC, Legajo 1900, Fatio to the captain-general, May 24, 1817.

¹⁶⁸ Henry Adams, *History of the United States of America* (9 v.; New York, 1889-91), II, 333.

¹⁶⁹ *Kentucky Reporter*, May 24, 1816.

¹⁷⁰ *Philadelphia Weekly Aurora*, December 2, 1816.

¹⁷¹ *North American Review*, XX, 108.

¹⁷² *Philadelphia Weekly Aurora*, May 28, July 2, 1816.

in Haiti. Seventy-two civilians crowded aboard Mitchell's schooner with an army officer, seven soldiers and the crew. In the passage down the bay to the harbor entrance one shot from a royalist shore battery carried away the *Cometa's* mainmast. Hurried repairs left the *Cometa* nevertheless a crippled schooner unable to sail close to the easterly wind on the course towards Haiti. Instead of following the refugee squadron after their escape through the blockade Captain Mitchell made for the island of Old Providence off the coast of Nicaragua. There he put his passengers ashore while he and the crew worked to cut and set a new mast. With repairs finished at last he quietly called aboard the schooner the Cartagenan army officer and the seven soldiers. Then he sailed away with the valuables that his civilian passengers had left in his keeping.¹⁷³

Sixty miles to the southwest lay the Spanish royalist island of San Andrés, where Governor Matéo Gonzales commanded an army of six men, two forts and a line of earthen breastworks. About nine o'clock in the morning of December 19 Governor Gonzales saw a schooner approaching under full sail from the eastward. The vessel flew the Spanish flag and pennant, but Captain Mitchell had made himself too famous. San Andrés recognized the *Cometa*. The governor and his six soldiers took up their posts in the fort of the eastern beach. The *Cometa* swerved aside to round the southern point of the island and make for the western beach. Governor Gonzales and his six men hastened to the western fort and beat Captain Mitchell away with heavy gun fire. The *Cometa* withdrew. Governor Gonzales at the first opportunity sent word of this attack to his royalist superior in Cartagena. He added that he had "only a little gunpowder, and that bad and in the worst condition."¹⁷⁴

A month and more later Captain Mitchell came back with the *Cometa* and with another Cartagenan armed schooner the *Patriota*. While one vessel attacked San Andrés at the east the other attacked at the west. One governor and six soldiers with incompetent gunpowder could not hold two forts. San Andrés fell prize to Captain Mitchell. The privateersmen robbed the islanders of what little they possessed. The privateersmen burned the few houses of San Andrés. The privateersmen carried Governor Gonzales and

¹⁷³ Corrales, *op. cit.*, II, 291-293; Philadelphia *Weekly Aurora*, April 23, 1816; *Louisiana Gazette*, June 17, 1816.

¹⁷⁴ Corrales, *op. cit.*, II, 291-293.

his six soldiers aboard the *Cometa*, shot them dead and hanged the governor's body to the yardarm.¹⁷⁵ Thus William Mitchell practiced the Venezuelan War to the Death. Thus he did what little he could do to repay the royalist conqueror of Cartagena for slaughtering unarmed civilians.

The *Patriota* and the *Cometa* parted company. Mitchell sailed for New Orleans. United States naval officers seized the *Cometa* as she came in at the Balize.¹⁷⁶ They sent her commander up to jail in New Orleans. Mitchell's trial in June horrified New Orleans with its first-hand news of the War to the Death, but did not result in a conviction on any charge.

Already it was known that Commodore Aury would soon be coming to the Gulf with some of the refugee vessels of Cartagena. A group of men in New Orleans,¹⁷⁷ the upper councillors among the company called popularly New Orleans Associates, prepared a squadron of five vessels as auxiliaries to the Cartagenan squadron. Among the five was Mitchell's schooner,¹⁷⁸ which went to sea in late August or early September.¹⁷⁹ Mitchell became commodore of a mosquito fleet of small schooners and open boats. One remittance from the value of prizes taken by these little cruisers yielded more than one hundred thousand dollars to the New Orleans owners after deductions for benefit of officers and seamen. Off Balize, in British Honduras, Mitchell himself in his one-gun schooner had made the most valuable of these prizes.¹⁸⁰ It was a polacra from Guatemala bound to Cádiz, carrying two hundred and seventy-eight thousand pesos in silver and eight hundred and seventy ceroons (bales) of indigo,¹⁸¹ worth perhaps seven hundred dollars a ceroon in the North American market.

Mitchell came from Galveston to New Orleans in the schooner *Pucelle* at the time when New Orleans learned of his rich adventure.¹⁸² While the *Pucelle* continued to make voyages between Galveston and her home port¹⁸³ Mitchell busied himself with a

¹⁷⁵ *Louisiana Gazette*, June 17, 1816.

¹⁷⁶ *Philadelphia Weekly Aurora*, May 21, 1816.

¹⁷⁷ AGI, PdeC, Legajo 1815, Sedella to Apodaca, August 5, 1816.

¹⁷⁸ AGM, Notas Diplomáticas, v. 4, correspondence of Havana naval commandant, Morphy to Apodaca, July 31, August 2, 1815.

¹⁷⁹ AGI, PdeC, Legajo 1873, San Maxent to Cienfuegos, October 22, 1816, enclosure.

¹⁸⁰ *American State Papers, Foreign Relations*, IV, 185.

¹⁸¹ AGM, Historia, v. 152, Arredondo to Apodaca, March 8, 1817, enclosure, declaration of Pozo. Cf. AGI, PdeC, Legajo 1900, Fatio to Cienfuegos, May 14, 1817, enclosure, declaration of Losano; Norfolk letter, May 5, in *New York Advertiser*, s.w., May 13; Jamaica newspaper, May 28, in *Chillicothe Weekly Recorder*, July 16, 1817.

¹⁸² *Louisiana Gazette*, December 9, 1816.

¹⁸³ *Ibid.*, May 6, 15, 1817.

smuggling system of his own, not in Barataria but on the other side of the town along the lake shore. An armed force sent to arrest him in the first week of June, 1817, took him prisoner but not until he had received a serious wound from a musket-shot.¹⁸⁴ Legal and medical considerations caused him to abandon his cruising for a while, but for the early months of 1818 he planned a venture into the waters of the Floridas and Cuba. Meanwhile with a small schooner he paid a visit to the Florida East Coast in January.¹⁸⁵

A secret agent brought news to the Spanish consulate on February 21 that a boatbuilder in New Orleans was completing a longboat that Mitchell would equip with a dozen men but with no arms except muskets and pistols and the usual sabres. Accompanied by a pirogue under command of Pierre La Maison, Mitchell intended to go along the Florida coast to the Florida Keys and lie in wait for the Spanish commerce of the Straits.¹⁸⁶ Apparently the consul transmitted later information to his fellow-worker, the American customs collector, Beverly Chew. Mitchell's return to New Orleans was known in April to the customhouse. On the day when he was to take his new boat from the Temple to Barataria Bay a body of revenue officers seized the craft and all but captured Mitchell himself as they met him on their way back to New Orleans.¹⁸⁷

Such interference by the customhouse embarrassed Mitchell without changing his plans. He provided himself with other boats. As in 1816 he had brought the *War to the Death* to San Andrés, so in 1818 he began a war of reprisal against the commerce of Beverly Chew. Only a few days had passed when Mitchell robbed a vessel in the Mississippi River near Fort St. Philip and escaped westward by way of "the bayou that leads to Barataria."¹⁸⁸ In a squadron of two open boats he harried not the Spanish coast of Florida but the American coast as far eastward as Mobile.¹⁸⁹ In July he came in at the Mississippi Balize and stole Beverly Chew's unguarded revenue cutter and her six brass guns. A United States naval vessel recaptured the cutter in October.¹⁹⁰ For a while the commodore of row boats gave up his revenge and returned to his old war against Spain.

¹⁸⁴ *Norfolk Beacon*, in *New York Advertiser*, s-w., July 22, 1817.

¹⁸⁵ *New York Advertiser*, s-w., February 10, 1818.

¹⁸⁶ AGI, PdeC, Legajo 1900, Fatio to the captain-general, February 21, 1818.

¹⁸⁷ *House Reports*, 21 Cong., 1 Sess., v. 3 (Ames 201), No. 348, p. 69.

¹⁸⁸ *House Reports*, as above.

¹⁸⁹ *New York Evening Post*, s-w., August 19, 1818.

¹⁹⁰ *London Courier*, December 21, 1818.

An open boat carried Mitchell back to British Honduras, where in 1817 he had made his one rich prize. During the latter months of 1818 he cruised along the coast, attacking Spanish commerce. In the winter some of his men deserted him and took possession of a schooner that belonged to a resident of the British colony.¹⁹¹ Mitchell's boat was found later off the Nicaraguan coast, fully armed with one 4-pounder, muskets, pistols and ammunition, but with no man on board.¹⁹² It was not explained how Mitchell got back to Louisiana.

He got back. In July of 1819 nine pirates in an open boat boarded a merchant brig in the open Gulf sixty miles from the Mississippi Balize. In mid-July New Orleans learned that an armed rowboat had begun depredations that continued for six days off the Southwest Pass. Beverly Chew's agent at Pilot Town sent a messenger up the river to Fort St. Philip asking for help, but the troops that answered his call took up their post at the Balize and did not guard the Pass. On shore only one pirate was arrested.¹⁹³

Newspapers in New Orleans and elsewhere grew enthusiastic in indignation. Beverly Chew, representing the Treasury Department, prevailed upon another branch of government to rout the pirates out of their nest after the precedent set in 1814. Armed forces put themselves into motion in August. What was found within Barataria Pass in 1819 was what could have been found there in 1810, a pleasant land of island and bay, of bayou and marsh, with fields of corn and herds of cattle and everything that might offer comfort to a privateersman home from the sea.¹⁹⁴ Everything was found at Barataria Pass except William Mitchell. One month later Mitchell made his whereabouts known, off the southern coast of Cuba. Tired of sailing without a deck to walk on, Mitchell captured a schooner that Santiago de Cuba had fitted out to guard her port against pirates in rowboats.¹⁹⁵

This exploit appears to have been a last act of poetic justice. While Mitchell cruised along the coast of Cuba, a United States revenue cutter brought a prize to the Balize, the privateer schooner *Bravo*. Under an Act of Congress not previously tested in New Orleans the *Bravo's* two officers and her crew were tried and convicted and sentenced to death for piracy. In May of the following

¹⁹¹ *Bell's Weekly Messenger*, March 28, 1819.

¹⁹² *Philadelphia Aurora*, August 7, 1819.

¹⁹³ *New York Advertiser*, s-w., August 3, 6, 24, 1819.

¹⁹⁴ *New York Advertiser*, s-w., September 7, 1819.

¹⁹⁵ *Niles' Register*, XVII, 158.

year both privateer officers were hanged by the neck until they were dead. It may be assumed that Captain Mitchell valued his own neck. Discreetly he dropped out of the newspapers as completely as if the War to the Death had caught up with him at last.

XIV

On September 15, 1816, God was pleased to take from this life the acting governor of Spanish West Florida. The captain-general of Cuba, nominal governor also of the Floridas, filled the vacancy by appointing Colonel José Masot to command in Pensacola. In the afternoon of November 27 Colonel Masot, accompanied by his lady and one of their two sons, Lieutenant José Jesus, sailed into Pensacola Bay between the height of Barrancas and the low lying Santa Rosa Island.¹⁹⁶ What ruins he beheld!

Fort Santa Rosa on the point of the island preserved the state of devastation in which the Spaniards' British guests had left it in September of 1814.¹⁹⁷ The old battery on the slope of Barrancas was still serviceable, but even such of its guns as the British had not spiked could not defend the harbor entrance without cross-fire from Santa Rosa.¹⁹⁸ The sand had sifted out of the double palisade that was Fort San Carlos on the height, where the British had destroyed everything of military value both within and without the enclosure. The stakes of the palisade stood leaning so loosely in the sandy soil that the shock of gun-fire would complete their fall if the one gun there still capable of warfare should ever again be discharged.¹⁹⁹

More ruin met the eyes of Colonel Masot in the town six miles up the bay. One leaky roof topped the house where he and his lady were to live; another, the decaying and useless block-house called Fort San Miguel. Half of the town lay beyond the city wall, a single line of stockade through which years earlier wide breaches had been cut for the streets of a growing community. The population, for the most part French creoles, Scots and Irish, had declined from the peak of 3,063 shown in the census of June, 1813, but had not yet fallen to the four hundred of May, 1818.²⁰⁰ Holding these Spanish subjects uncertainly to their

¹⁹⁶ AGI, PdeC, Legajo 1873, San Maxent to Cienfuegos, September 17, Masot to Cienfuegos, November 29, 1816, nos. 1 and 2.

¹⁹⁷ Cf. AGI, PdeC, Legajo 1795, Gonzales Manrique to Apodaca, November 17, 1814.

¹⁹⁸ Cf. AGI, PdeC, Legajo 2356, Martínez y Orossa to Howard, September 22, 1806.

¹⁹⁹ AGI, PdeC, Legajo 1876, Callava to Cienfuegos, May 22, 1819.

²⁰⁰ AGI, PdeC, Legajo 1877, Masot to Cienfuegos, May 7, 1818.

allegiance were the remnants of the Regiment of Louisiana with three companies of Negroes and mulattoes from Havana²⁰¹ and two 4-pounder field pieces. The provincial treasury was empty, as it had been for years past.

To celebrate Sunday, December 8, Colonel Masot watched the Caledonian-Hibernian-Franco-Spanish militia of Pensacola pass in review. He addressed them. He swore to them that he would defend the province of West Florida from all enemies or perish at the head of his troops.²⁰² At a quarter past three o'clock in the afternoon a fore-topsail schooner cast anchor five miles off the harbor entrance. On Monday morning the schooner still lay there. Governor Masot sent two officers and twenty men to help the harbor pilot and his boat's crew guard Pensacola Bay from intruders.

Already a message from the visitor had reached Barrancas, relayed from ship's boat to the pilot's boat. The fore-topsail schooner was a warship of the United States out of New Orleans. From Governor Villeré of Louisiana she had brought a letter for Governor Masot, which would be delivered to an accredited officer. So a little before noon on Tuesday the lieutenant of Barrancas, a squad of dragoons and the harbor pilot and his boat's crew, fourteen men in all, clambered aboard the stranger vessel. They were much astonished then to learn that Job Northrup, captain of the Mexican privateer schooner *Independencia*, was holding them and their pilotboat for ransom.²⁰³ They were dismayed; for it had been rumored that Mexicans in that year would improve the Venezuelan War to the Death by executing four Spaniards for every republican executed by royalists.²⁰⁴

Back to Barrancas went a letter in a small boat rowed by one royalist. Then trotting down the sandy road and swimming the unbridged bayous a mounted messenger hastened to Pensacola. He carried a letter directed to Governor Masot indeed but signed by Job Northrup and not by Governor Villeré. The thirteen hostages remained on shipboard, said the letter, would be set free on payment of fifty thousand dollars. In Pensacola late that night Governor Masot referred the situation to a council of war. The council decided to send more soldiers to Barrancas and to

²⁰¹ AGI, PdeC, Legajo 1873, Masot to the governor-general, December 20, 1816, no. 21, Legajo 1874, Masot to Cienfuegos, January 8, 1817.

²⁰² AGI, PdeC, Legajo 1874, Masot to Cienfuegos, January 8, 1817, *copia* 15.

²⁰³ *Louisiana Historical Quarterly*, XXI (1938), 806-822.

²⁰⁴ AGM, Notas Diplomáticas, v. 1, Onís to the viceroy, January 29, 1816.

tell Captain Northrup that he should not have one penny from their empty treasury. So before midnight Governor Masot dispatched to Barrancas an answer to the privateersman's demand.

Governor Masot did not say to Captain Northrup, as he did say later to the captain-general of Cuba, that he was "without troops, without fortifications, without supplies, and in a word with all resources exhausted."²⁰⁵ He wrote, "I laugh at your threats. . . . If we are attacked we shall know how to defend ourselves But I trust you will set free the officer and the other persons whom you hold in your power, since such proceedings would disgrace even savages if savages were capable of committing such acts."²⁰⁶ In such words of courage José Masot phrased his defiance of Job Northrup.

The commandant of West Florida was not always so brave. Within two years a more formidable enemy was to arrive, General Andrew Jackson. A Seminole Indian war brought Hickory to Pensacola. Colonel Masot, governor of those Seminoles, thought it necessary to retreat to Cuba. There was no Spanish warship on which he might travel. In an unarmed American schooner he and his office records sailed for Havana. Storms drove them to the coast of Mexico. The pirates got them.

The captain of the Mexican privateer schooner *General Humbert* boarded the transport. He broke open the archive bundles and threw some of Governor Masot's paperwork into the water. He robbed all the passengers. He took Governor Masot aboard the privateer. He put handcuffs on the governor's wrists and a suggestive noose around the governor's neck in order to make the governor confess where he kept his money. But the governor had no money. At last the pirates seemed convinced of that. Governor Masot escaped, "by persuasion" as he himself put it later. Off the coast of Mexico then he had no laughter and no brave words.²⁰⁷

In Pensacola Governor Masot had words and to spare. He used some of them late on Tuesday in composing a proclamation to the soldiers and townsfolk. With eloquence he exhorted his people. To the Scots, the Irish, the French, the Spanish Floridans and the Cuban Negroes and mulattoes he told what confidence

²⁰⁵ Cf. AGI, PdeC, Legajo 1874, Masot to Cienfuegos, February 6, 1817.

²⁰⁶ AGI, PdeC, Legajo 1874, Masot to Cienfuegos, January 8, 1817, copia 6.

²⁰⁷ AGI, PdeC, Legajo 2356, Masot to Cienfuegos, September 21, 1818; cf. Mobile letter, October 27, in *London Courier*, December 26, 1818.

he placed in them and what he would cause to happen if they should try mutiny.²⁰⁸ On Wednesday morning, while Pensacola was reading the proclamation, Captain Northrup aboard the *Independencia* was reading the governor's letter. One reading proved to be enough. Captain Northrup did not know that the guns of the hillside battery could not defend the entrance channel. Spanish defiance was too much for even a Mexican privateersman. Before sunset the thirteen hostages stepped ashore dry-shod and unharmed on the point of Santa Rosa Island.

Captain Northrup brought back Commodore Aury's flagship *Independencia* to Galveston. He reported there to his commodore that Pensacola would not pay in advance for the liberation of Mexico or even of West Florida. In proof of his words the kidnapper could display his only booty. It was no more than the British allies had stolen in 1814.²⁰⁹ It was Pensacola's pilot boat.²¹⁰

New Haven²¹¹ had given Job Northrup to Commodore Aury. At the end of the War of 1812 this Connecticut Yankee received a commission as midshipman (ensign) in the United States Navy.²¹² Already experienced in maritime command, he had his first assignment as sailing master aboard the brig *Boxer* USN, which left New York in December of 1815 to cruise out of the New Orleans naval station.²¹³ The *Boxer* reached her new post in time to capture the Cartagenan privateer *Cometa* in April, but not until Captain Mitchell had brought that cruiser into the Mississippi River.²¹⁴

This encounter appears to have turned the Yankee's thoughts towards the revolted Spanish provinces of the south. Northrup resigned his naval commission. The scanty records of his time suggest that Abner L. Duncan's syndicate employed him next to command their munitions schooner *General Jackson* (alias *General Bolívar*) on a filibustering voyage to the insurgent coast. This schooner sailed from the Balize on August 11²¹⁵ and at sea became

²⁰⁸ AGI, PdeC, Legajo 1874, Masot to Cienfuegos, January 8, 1817, *copia*, 15.

²⁰⁹ AGI, PdeC, Legajo 1828, Ordóñez to Apodaca, November 29, 1814.

²¹⁰ AGI, PdeC, Legajo 1873, Masot to Cienfuegos, December 23, 1816, *sumaria*, declaration of Ignacio Serra.

²¹¹ New York *Evening Post*, s-w., December 12, 1818.

²¹² Edward W. Callahan, *List of Officers of the Navy of the United States and of the Marine Corps, from 1775 to 1900* (New York, 1901), service record of Job Northrup.

²¹³ *American State Papers, Naval Affairs*, I, 379.

²¹⁴ Philadelphia *Weekly Aurora*, May 21, 1816; Louisiana *Gazette*, June 17, 1816.

²¹⁵ Louisiana *Gazette*, August 16, 1816.

the Mexican privateer *Patriota Mexicano*,²¹⁶ alias *Tarántula*.²¹⁷ Before her picaresque adventure of August 27²¹⁸ she captured one Spanish prize,²¹⁹ a letter-of-marque,²²⁰ which arrived at the Mississippi Balize on September 5.²²¹ Commanding his letter-of-marque, now the Mexican privateer *Independencia*, Northrup sailed from the Balize on September 27.²²²

After his visit to Pensacola in December, Northrup returned to Galveston.²²³ His cruiser appears to have been among those vessels of Aury's squadron that a norther destroyed within Pass Cavallos a few months later. In the summer of 1817 Aury transferred his activities to the Florida East Coast. Increasing the number of Aury's squadron Northrup soon came to Fernandina with a crew of his own fellow townsmen from New Haven aboard his own 20-ton schooner, which had been a pilot boat of New York Bay. Under the Mexican flag the privateer *Fortuna* (Captain Northrup) cruised Bahaman waters in the earlier months of 1818. In November a battle of two hours' duration yielded up to the *Fortuna* a large Spanish brig laden with eighty thousand dollars' worth of wines and silks.²²⁴ Job Northrup, now commodore of a squadron, took his privateer and his prize to the Caribbean Sea, there to sell prize goods without the decree of an admiralty court.

Out of St. Thomas Island in February of 1819 Commodore Northrup conducted his brig and his schooner, both named *Constantia*, bearing artillery and also privateer commissions of the revolutionary government in Uruguay. Off the northeastern coast of Cuba he gave battle to a Spaniard that, as he learned too late, was a warship out of Havana. With his battered vessels, broken gun carriages and wounded men he retired to the Bahamas for a breathing spell.²²⁵ Then, sending the schooner to Norfolk for repairs and refitting, he continued to cruise in the brig.²²⁶

²¹⁶ *Louisiana Historical Quarterly*, XXI, (1938), 208-209; cf. Hubert Howe Bancroft, *The History of Mexico* (5 v.; San Francisco, 1883-85), IV, 635, note 25.

²¹⁷ Cf. *Gazeta de México*, December 18, 1816.

²¹⁸ *Louisiana Historical Quarterly*, as above.

²¹⁹ Carlos María Bustamante, *Cuadro Histórico de la Revolución de la América Mexicana* (6 v.; Mexico, 1823-32), v. 3, letter 30, page 12.

²²⁰ *Philadelphia Weekly Aurora*, December 2, 1816.

²²¹ *Louisiana Gazette*, September 16, 1816.

²²² Cf. *Philadelphia Weekly Aurora*, as above, and *Louisiana Gazette*, October 4, 1816.

²²³ Cf. AGI, PdeC, Legajo 1900, Morphy to the captain-general, February 26, 1817, the *Numantina*.

²²⁴ *New York Advertiser*, s-w., November 6, 1818; *New York Evening Post*, s-w., December 12, 1818.

²²⁵ *New York Advertiser*, s-w., June 29, 1819; *London Chronicle*, July 19, 1819; *Bell's Weekly Messenger*, August 15, 1819.

²²⁶ *Bell's Weekly Messenger*, October 10, 1819.

Commodore Northrup's cruising prospered. He promoted himself to the quarterdeck of a three master, the *Lady Artigas*, under Uruguayan commission. To Samuel Pelot, recently concerned in some small matter of smuggling off the Virgin Gorda,²²⁷ he gave command of the prize brig *Esperanza*.

By the summer of 1821 the republic in Uruguay no longer existed. Even Argentine privateer commissions had all been called in. Commodore Northrup and Captain Pelot continued nevertheless their cruising until the Haitians captured them and charged them with piracy. The two officers gained their liberty at the cost of their squadron.²²⁸ The hundred and fifty thousand dollars that they had taken aboard a recent prize²²⁹ permitted them to buy new cruisers.²³⁰

A friend of Northrup's from Baltimore had just received appointment to a high naval command in the new Republic of Colombia.²³¹ To him they applied for commissions and a respected flag. With a Colombian rank as Naval Commander (*capitán de fragata*) Pelot in 1823 took part in the battle of Maracaibo Bay and received a citation for bravery.²³² In 1824 Northrup returned to Norfolk commanding a warship that bore no less a name than that of the vice-president of Colombia.²³³

XV

The flag of Colombia flies in Cartagena today. The flag that Cartagena made for herself in 1811 has departed from the town of its origin, but still it waves in the romances of Barataria. No figure in those tales will carry it more faithfully than Johnny the privateer captain. Perhaps the simple familiarity of his name, capturing the fancy of romanticists, has kept green the memory of Captain Johnny. His deeds on the Gulf Coast did not equal his later reputation. Yet of such character was his fame even in his own time that French creoles and Spanish royalists went out of their way to write his name as the *Americanos* wrote it, *Johnny*.

²²⁷ Philadelphia *Aurora*, June 22, 1819.

²²⁸ New York *Evening Post*, s-w., June 12, July 21, 1821; London *Chronicle*, August 10, 1821.

²²⁹ Boston *Palladium*, May 21, in London *Chronicle*, July 4, 1821.

²³⁰ Boston *Palladium*, in Washington *Gazette*, December 29, 1821.

²³¹ New York *Evening Post*, s-w., December 21, 1821.

²³² Corrales, *op. cit.*, II, 521.

²³³ Manning, *op. cit.*, III, 2049-2051.

Captain Johnny was an Italian called Giovanni (John). Johnny is merely a shortened, two-syllable form of that name as abbreviated first into Gianni, which any Italian in a moment of candor might estimate as of two syllables and a half. As for the rest of it, people called Johnny by a nickname, Barbafuma, that antedated his arrival even in Cartagena. His Spanish-speaking friends in both Americas contented themselves with misspelling the Italian nickname. French creoles in New Orleans translated it into a meaningless Barbe-en-fume. Perhaps more than one Spanish prisoner²³⁴ or French privateersman perverted it readily into an abusive epithet.

Johnny entered into the censorship of Spanish commerce along with many others of his nation. The tendency shown by the Italians of Barataria to mistreat their Spanish prisoners has made them the villains of the romances. This same tendency would have recommended them to republican naval service in South America throughout the War to the Death. Perhaps the act of one Italian captain, who before that time ran off with forty or fifty thousand pesos of Venezuelan republican cash,²³⁵ made them unpopular in Venezuela. Cartagena regarded at least Captain Johnny with favor. Captain Johnny commanded the Cartagenan schooner *Republicano*, which was not a privateer but a warship belonging to the state.²³⁶

In December of 1815 Captain Johnny performed his one recorded good deed, which proved to be of inestimable importance to the western world and to the cause of liberty. He was commanding the *Republicano* in the flight from besieged and blockaded Cartagena. Separated by storms from the flagship of the refugee squadron, the *Republicano* chanced to speak Captain Brugman's schooner *Popa*, on which General Bolívar was returning from Jamaica to the mainland.²³⁷ Thus warned that the royalists had occupied Cartagena, General Bolívar avoided falling captive to King Ferdinand VII and victim to his own War to the Death.

When the Cartagenan refugees arranged in Haiti their various plans for the future, the schooner *Republicano* became part of the Venezuelan republican forces. Captain Johnny decided that he himself would go with Commodore Aury to the Gulf of Mexico.

²³⁴ AGI, PdeC, Legajo 1900, Fatio to the captain-general, June 9, 1817, enclosure, relation of López.

²³⁵ Larrazábal, *op. cit.*, I, 329.

²³⁶ Corrales, *op. cit.*, II, 248.

²³⁷ Larrazábal, *op. cit.*, I, 409.

Perhaps the two wounds that he had received during the evacuation of Cartagena²³⁸ still incapacitated him. For one reason or another he did not command an armed vessel in the voyage of Aury's squadron from Aux Cayes to Galveston. At Galveston he appears to have remained ashore during the winter of 1816-17 as aide to Commodore Aury.²³⁹ In the springtime expedition that convoyed General Mina to the Santander River, Johnny commanded a 4-gun falouche²⁴⁰ the former royalist coastguard vessel *San Fernando*, which Aury had captured off Havana.

Upon Aury's return to Galveston, Johnny acted as a sort of secretary of the navy with special duties in (or out of) the admiralty court. One passenger aboard a prize of doubtful nationality told later that Johnny came to him with the title of Naval Commandant "and, after insulting him and uttering a thousand outrages against the Spanish government, gave him pen and paper in order that he should declare that the vessel and her cargo were Spanish property, with the promise that if he did not do so they would set him on a sandbar to die." A few days later Captain Johnny "did not cease to threaten declarant that he would hang him if he did not confess that the vessel and her cargo were Spanish property."²⁴¹ Notwithstanding the violence of these words, the Spanish prisoner could not assert under oath that Captain Johnny had injured more than his feelings at Galveston.

Perhaps Captain Johnny followed Commodore Aury to East Florida in the autumn of 1817. One year later he was back at Galveston commanding a pilot-boat-built cruiser, the *Incroyable*, carrying a crew of twenty-six men and an armament of one 9-pounder swivel gun and twenty muskets.²⁴² Thereafter he disappears from the record. An early romancer could ascribe to Johnny no further feat than the robbery of 1819 on Bayou Queue de Tortue, the participants in which were in fact Americanos.²⁴³ Johnny did create a picturesque name for himself. Otherwise his exploits at Galveston, whether in the time of Louis Aury or the time of Jean Laffite, appear to have been inconsiderable.

²³⁸ Corrales, *op. cit.*, II, 298.

²³⁹ *Cf.* AGM, Historia, v. 152, Arredondo to Apodaca, March 8, 1817, enclosure, declaration of Ordóñez.

²⁴⁰ *Louisiana Historical Quarterly*, XXI, (1938), 1108.

²⁴¹ AGI, PdeC, Legajo 1900, Fatio to the captain-general, June 9, 1817, enclosure, declaration of López.

²⁴² AGI, PdeC, Legajo 1900, Fatio to the captain-general, October 13, 1818.

²⁴³ *Louisiana Historical Quarterly*, VIII, (1925), 348.

XVI

In one canto of Jean Laffite's own epos they sing, they say, they tell a story of disdain. Jean Laffite went cruising and captured a Spanish bishop with much treasure in money and jewels and precious metals curiously worked. This bishop was not held for ransom. Jean Laffite murdered him. Then came division of the swag. The piratical company clamored for more than the share that laws of the privateersmen granted them. Jean Laffite performed the French equivalent of a sneer. He conceded to his mutinous crew all the episcopal plunder except a small memento. With the delicacy of good taste that had made him notable in fictions already existing he chose and reserved for himself nothing more than one delicate gold chain.

That is the story as they sing it and say it and tell it. This is how it really was:

A mariner of Galveston, French, Italian or whatnot, bore the name Johnny. People called him Little Johnny perhaps because he had won less reputation than Gianni Barbe-en-fume. Still, in the spring of 1818 his reputation sufficed to win him the captaincy of a swift falouche. Aboard his new command he sailed surreptitiously from New Orleans on May 4. Scarcely had Little Johnny gained the wine-dark Gulf when the Spanish consul in New Orleans learned that the falouche was bound to cruise off the coast of Yucatan and Tabasco. She carried, or so the consul said, "a crew of twenty-four men of all nations, the most lawless and bloodthirsty of all the pirates that have sailed from this port."²⁴⁴

Now the Bishop of Chiapa, the Most Reverend Don Salvador de San Martín y Cuebas, occupied the months of May and June of that year in visiting the parishes on the coast of his diocese. He travelled in state, with three barges and boat's crews, a canon of his cathedral chapter, two priests, one friar, one page, four servants and the Most Reverend's two female cousins. To hold confirmation at the town of Sabanacuy, halfway between Campeche and Laguna, the bishop went ashore with some of his entourage. The ladies stayed in the boats, well guarded by the rest of the company.

Then in the falouche from New Orleans came Little Johnny and his bloodthirsty crew. Yet, as happened always in the case of Galveston's privateersmen, Little Johnny's thirst and that of

²⁴⁴ AGI, PdeC, Legajo 1900, Fatio to the captain-general, May 6, 1818.

his twenty-four companions proved to be for money and not for blood. The ladies, the priests, the friar, the boat's crews, all remained unharmed to tell the bishop in good time about their adventure. Little Johnny took away with him two Negro servants, seven hundred *onzas* in gold, the bishop's rich pontifical robes and all the other baggage. The governor of Campeche did not report the theft of one delicate gold chain, but he did reveal that the bishop estimated his loss at thirty thousand pesos.²⁴⁵

Though the consul in New Orleans knew the truth of the robbery within one month of its happening, the story almost as quickly added itself to the traditions that already obscured the figure of Jean Laffite. Before the end of the year the bishop's pontifical robes, rich but unsalable and therefore put in storage, turned up in the faubourg Marigny. Newspapers that delighted in pirate stories reported that these were the vestments of "the Spanish bishop supposed to have been murdered some years ago by a noted pirate."²⁴⁶

That is how it really was. And this is how traditions begin.

XVII

Traditions have dealt lightly with the personnel of revolutionary governments at Galveston Bay. In Jean Laffite's government the component names were set down in a widely reprinted congressional report from Washington. Romantic writers give less consideration to the men who formed a previous organization on September 16 and 17, 1816. On those dates the Mexican republican envoy to the United States appointed Commodore Aury as governor of Texas and, to compose an admiralty court,²⁴⁷ the following persons:

José Torrens, judge, and Gabriel Torrens, notary-public, had been officers (José as a major) under General Toledo, who had sent the major from New Orleans in February of 1815 to escort the envoy from Nautla.²⁴⁸ Sailing from Galveston for Mexico in October of 1816, the envoy left both officers at the new port as assistants to Aury.²⁴⁹

²⁴⁵ AGI, PdeC, Legajo 1900, Fatio to the captain-general, July 7, 1818.

²⁴⁶ New Orleans letter, December 12, 1818, in *New York Advertiser*, s.w., January 12, 1819.

²⁴⁷ *Orleans Gazette*, October 18, in AGM, Notas Diplomáticas, v. 2, Morphy to the captain-general, October 24, 1816.

²⁴⁸ AGI, Indiferente General de Nueva España, Legajo 136-7-9, *Copias de los papeles dirigidos por el traidor Toledo*, Toledo to Morelos, March 14, 1815.

²⁴⁹ AGI, AdeM, Legajo 90-2-8, 9, Apodaca to secretary of treasury, June 26, 1818, enclosure, Herrera's declaration.

Vicente Ucros, court clerk, had been acting secretary of war in Cartagena.²⁵⁰ He returned from Galveston to the Republic of Colombia.²⁵¹ In North American printed records his name appears garbled as *Veros* and *Vesos*.

Jean-Pierre Rousselin, treasurer, later became admiralty judge for Aury's establishment in East Florida.²⁵²

Jean-Bâtiste Dumoinisseau, marshal, is not otherwise identified.

After Aury's departure from Galveston Jean Laffite reorganized the government with Rousselin retained as customs collector.²⁵³ As governor Laffite chose Louis François de Rieux. This man, son of a Toulousain French family long-resident in Cartagena,²⁵⁴ had become a republican lieutenant-colonel in that city, where in 1815 he acted as chief-of-staff.²⁵⁵ He arrived in New Orleans about January 1, 1817, with Lieutenant-Colonel Mariano Montilla²⁵⁶ of Cartagena and went on to Galveston. Aury left him in command there with a dozen soldiers. De Rieux returned to South America, acted as chief-of-staff to Montilla in 1821 at the time when the royalists surrendered Cartagena, and later became a general officer of the republic.²⁵⁷

A. Pironneau, Jr., of Nantes, a Bonapartist who had fled from France after the Hundred Days, received appointment as town major. He was still living in New Orleans in 1826.²⁵⁸

Jean Ducoing of New Orleans succeeded José Torrens as admiralty judge. He was a brother of François Ducoing, business associate of Raymond Espagnol.

Raymond Espagnol, also of New Orleans, occupied the positions of notary, secretary and treasurer in Galveston. His carelessness in regard to his own business affairs is shown by his granting of credit to Bartholomé Lafon²⁵⁹ and his later experience with conspiring criminals.²⁶⁰

²⁵⁰ Corrales, *op. cit.*, II, 57-59.

²⁵¹ Cf. Vicente Lecuna, ed., *Cartas del Libertador* (10 v.; Caracas, 1929-30), VII, 187.

²⁵² Charles Francis Adams, ed., *Memoirs of John Quincy Adams* (12 v.; Philadelphia, 1874-77), IV, 75.

²⁵³ *American State Papers, Foreign Relations*, IV, 137-138.

²⁵⁴ Pedro Torres Lanzas, *Independencia de América, primera serie* (6 v.; Madrid, 1912), v. 4, no. 4880.

²⁵⁵ Corrales, *op. cit.*, II, 191.

²⁵⁶ AGI, PdeC, Legajo 1900, Morphy to the captain-general, January 7, 1817.

²⁵⁷ Corrales, *op. cit.*, II, 468, 191.

²⁵⁸ Schlumberger, *Mémoires du Commandant Persat*, 183, 196 note.

²⁵⁹ *American State Papers, Foreign Relations*, IV, 137-138.

²⁶⁰ *Louisiana Reports*, 11 Martin 602.

The members of Laffite's admiralty court took an oath of fidelity to the Mexican government, administered to them by Luis Iturribarría.²⁶¹ This priest and insurgent colonel had been earlier a liberal rather than a revolutionist when he represented²⁶² the Mexican province of Oaxaca in the Cortes of Cádiz. He came to New Orleans early in 1817 and there joined the newly arrived Mexican envoy.²⁶³ Upon departure of that diplomat for Galveston and Mexico, Iturribarría remained in New Orleans as *chargé d'affaires* of the "Mexican embassy." Returning to Mexico upon the success of the revolution, he preserved his republican principles and later helped the presidency of Guadalupe Victoria succeed the empire of Augustín Iturbide.²⁶⁴

Of the men who, in addition to the officers of admiralty, organized a government in Galveston after Jean Laffite had sailed for New Orleans,²⁶⁵ most appear to have been privateersmen. Dutrien, Place, Renaud and Lavard remain unidentified.

Jean Jannet took a commission from Aury two months later for his small cruiser *Mosquito*.²⁶⁶

Captain Parisi may be the Captain Paris who later commanded the Galvestonian falouche *Cheri*, armed only with muskets.²⁶⁷

Juan (Jean?) Querre commanded the *Josefina*, a pilot-boat-built cruiser under Venezuelan commission. In mid-November he left New Orleans, ostensibly for Venezuela.²⁶⁸

Denis Thomas became commander²⁶⁹ of Aury's privateer schooner *Relámpago* (usually called *Eclair*), went back with Aury to the Caribbean and in 1823 commanded a brig in the Colombian national squadron of Commodore Beluche.²⁷⁰

Jean-Bâtiste Faiquère also went to the Caribbean with Aury. In 1819²⁷¹ and again in 1821²⁷² he was acting governor of Old Providence Island.

²⁶¹ *State Papers and Publick Documents*, (12 v.; Boston, 1819), XI, 386.

²⁶² AGI, AdeM, Legajo 90-2-1, papeleta 81, Calleja to Campo Sagrado, September 30, 1816, expediente, copia 2, enclosure.

²⁶³ AGI, PdeC, Legajo 1900, Morphy to the captain-general, February 26, 1817.

²⁶⁴ Agustín Iturbide, *Mémoires Autographes* (Paris, 1824), 159.

²⁶⁵ *Louisiana Historical Quarterly*, XXI (1938), 1105-1106; *State Papers and Publick Documents*, XI, 387.

²⁶⁶ *American State Papers, Foreign Relations*, IV, 136.

²⁶⁷ AGI, PdeC, Legajo 1900, Fatio to the captain-general, October 13, 1818.

²⁶⁸ *American State Papers, Foreign Relations*, as above; *Columbian Centinel*, December 31, 1817.

²⁶⁹ *New York Advertiser*, s-w., June 2, 1818.

²⁷⁰ Corrales, *op. cit.*, II, 521; *Pennsylvania Magazine of History*, LII, 83, 85-86.

²⁷¹ Mario Longhena, ed., *Memorie Inedite di Agostino Codazzi* (Milan, 1930), 290.

²⁷² *Archivo General (Bogotá)*, Guerra, v. 343, p. 914.

Marcellin Gillot followed Commodore Aury's fortune into the southern seas. In 1821 he held a subordinate position in Old Providence.²⁷³

Colonel Joseph Savary, a Haitian mulatto who had prepared a colored company for the Battle of New Orleans, had gone to Galveston in August-September, 1816, commanding a group of free Negroes for Aury's settlement.²⁷⁴ He returned to New Orleans and in 1821 was living at Burgundy and Hospital Streets.²⁷⁵

XVIII

Bartholomé Lafon acted as secretary *pro tempore* of the conference that organized fully the government of Galveston after Jean Laffite's departure for New Orleans in April of 1817. Laffite had left him there as his personal representative.²⁷⁶ Lafon had only just arrived at Galveston, but he had lived in Louisiana more than thirty years.²⁷⁷ He was an educated jack-of-all-trades. By profession a civil engineer, as early as 1798 he set himself up in the Spanish province as an iron master. His foundry, near the river and just above the ramparts, stood on ground, at that time almost worthless, that later became the lower part of Canal Street. He owned other land at Rigolets and in New Orleans.²⁷⁸ Governor Claiborne engaged his professional services at different times.²⁷⁹

Lafon's reputation already gained as architect and builder made him a suitable real estate appraiser in 1807.²⁸⁰ At about that time he compiled and published gazetteers including the first city directories of New Orleans. He was chief deputy surveyor for Orleans Parish, captain in the second militia regiment and alderman from the third precinct.²⁸¹ Later he became a major of militia and momentarily²⁸² a theatrical impresario. Before the United States army took over complete administration of the

²⁷³ Aury Papers (University of Texas), statement of account.

²⁷⁴ Sterling to Wilkinson, September 26, 1816 (Rosenberg Library, Galveston; transcript); *American State Papers, Foreign Relations*, IV, 198.

²⁷⁵ *New Orleans City Directory for 1822*.

²⁷⁶ Cf. *Louisiana Historical Quarterly*, XXI, (1938), 1106, note 51.

²⁷⁷ Cf. AGI, PdeC, Legajo 1900, Fatio to the captain-general, July 11, 1817.

²⁷⁸ *American State Papers, Public Lands*, II, 325, 331, 335; *Claiborne Letterbooks*, IV, 408.

²⁷⁹ *Claiborne Letterbooks*, III, 84, 96.

²⁸⁰ AGM, Marina, 1801-07, Argote to the vice-consul, June 29, 1807, enclosure.

²⁸¹ Bartholomé Lafon, *Annuaire Louisianais pour l'année 1809* (New Orleans, 1808), Title-page, pp. 155, 186, 199.

²⁸² Information from Dr. A. E. Fossier, New Orleans.

federal military district he acted for a while as chief military engineer in Louisiana.²⁸³ As military engineer he lent his services in the Battle of New Orleans.²⁸⁴

Despite some first success in proving title to lands, Lafon could not make good his most valuable claim, that to the site of his foundry. His fortunes declined. At the beginning of 1816 he gave up the struggle with adversity. He advertised in the newspapers his decision to leave the country. He offered for sale, partly by lottery, his two town houses and fifteen building lots, his library of four hundred and forty-five volumes, his furniture, his horse and carriage, his rural properties, even his unadjudicated claim to half of Canal Street. Immediately his creditors descended upon him. The sale by lottery was postponed; the creditors levied upon his property in town, which went to sale under direction of the sheriff. Bartholomé Lafon was all but bankrupt.²⁸⁵

The Spanish consul in New Orleans, as well as other persons more competent to judge, regarded Lafon as the best surveyor in Louisiana.²⁸⁶ In 1805 that expert engineer had undertaken a public commission to delineate the southern regions of Orleans territory. His sources, French, Spanish and English, produced an indifferent outline of the Barataria coast.²⁸⁷ In 1815 he was able to give more accurate information to the world²⁸⁸ by way of an eastern surveyor who had interested himself in the fortunes of General Toledo and insurgent Mexico.²⁸⁹ Thus Lafon revealed his own improved knowledge of the Barataria coast.

Much of that knowledge Bartholomé Lafon had gained at first hand in 1812 when he added to his other trades the vocation of smuggler. Late in August of that year two fishermen saw him at a Baratarian cypress island, a stocky little man unloading Spanish prize goods into bayou boats. A few days later they saw him again aboard one of two French privateer schooners at Barataria Pass and buying beef cattle on Grand Isle to replenish the ships'

²⁸³ Charles Etienne Arthur Gayarré, *History of Louisiana* (4 v.; New York, 1854-66), IV, 385.

²⁸⁴ Latour, *Historical Memoir*, Appendix, 117.

²⁸⁵ *L'Ami des Lois*, January 10 to April 27, 1816, advertisements and legal notices.

²⁸⁶ AGM, *Notas Diplomáticas*, v. 2, Fatio to Apodaca, July 26, 1817.

²⁸⁷ James Alexander Robertson, ed., *Louisiana under the Rule of Spain, France and the United States, 1785-1807* (2 v.; Cleveland, 1911), v. 2, Lafon's map of 1806.

²⁸⁸ William Darby, *Louisiana, A Geographical Description of the State* (First Edition, Philadelphia, 1816; Second Edition, New York, 1817.) Cf. map in first edition and map and note in second edition.

²⁸⁹ Philadelphia *Aurora*, August 11, 1819.

ladders.²⁹⁰ These privateers may have come from the squadron of three that on May 29 near the Balize had robbed the Spanish brig *Nueva Dolores* of twenty thousand pesos in silver and all her equipment, even to the mainmast.²⁹¹ They were probably the two who, in July on the Barataria coast, had been about to fall captive to *Gunboat 156 USN* when the gunboat's 24-pounder burst and brought an end to the encounter, with the privateers left in possession of a Spanish prize.²⁹² Renewed activity on the part of Governor Claiborne, the New Orleans customhouse and even the United States Army soon interrupted the influx of prize goods through Barataria Bay. For this reason, perhaps, Lafon retired from the smuggling trade before his participation in it had become widely known in New Orleans. Both his reputation and his credit were good until bad luck overtook him in 1815 and he advertised his intention to leave the country.

A European destination may have come first into Lafon's mind. When financial ruin surrounded him he sought to escape by joining an expedition that General Toledo in New Orleans was preparing against the royalist government of Texas. Failure of that expedition at its start destroyed republican prospects on land, but the Gulf remained open to Lafon. With his schooner *Carmelita* he entered the trade in Spanish prize goods that in the following year began to pass through the admiralty court of Galveston. One of his cargoes in 1817 attracted the attention of the federal district court in New Orleans.²⁹³ In Galveston he entered into the service of Jean Laffite and into the Spanish plot that the brothers Laffite were forwarding in Louisiana and Texas. In order that he might be protected in any chance encounter with royalists, his status as a Spanish secret agent was made known to the commandant of San Antonio.²⁹⁴ During three years he continued a career of duplicity at Galveston Bay and in New Orleans. His unpublished map of Galveston Bay and a geographical essay on the distant Yellowstone, which he wrote to edify his Spanish employers, are still preserved in the archives, now republican, of the city of Mexico.²⁹⁵

²⁹⁰ AGI, PdeC, Legajo 1793, Zuñiga to Apodaca, November 18, 1812, *diligencias*, testimony of Perera and López.

²⁹¹ AGI, PdeC, Legajo 1828, Morphy to Claiborne, June 15, 1812; *Claiborne Letterbooks*, VI, 113-114.

²⁹² *Of. Columbian Centinel*, August 22, 1812.

²⁹³ *American State Papers, Foreign Relations*, IV, 137.

²⁹⁴ Archivo de Philadelphia, Legajo 42, Fatio to Apodaca, July 26, 1817.

²⁹⁵ AGM, Notas Diplomáticas, v. 2, Fatio to Apodaca, July 26, 1817, April 29, 1819; AGI, PdeC, Legajo 1898, Fatio to Noeli, August 31, 1818.

XIX

The name of Captain Rapp is better known today in Galveston than in New Orleans. It owes its preservation in romance to an Irish sailor who, in after years, pretended to recall from his own experience various events of which he had learned perhaps from no source except newspapers and water-front gossip.²⁹⁶ The early newspapers remain, if not the gossip. So the story of Captain Rapp can be told again and with a somewhat greater degree of accuracy.

Henry B. Rapp was this privateersman's name. He entered the United States Navy as a commissioned midshipman on November 15, 1809, and became a lieutenant four years afterwards. Late in 1816 he resigned his commission.²⁹⁷ New Orleans was his station at that time. Like Midshipman Job Northrup, Rapp separated himself from the United States Navy in order to become commander of an insurgent privateer. Little doubt can exist that such authority as he may have gained for his cruising came to him from Commodore Aury's purported Mexican establishment on Galveston Island.

Captain Rapp returned to New Orleans from his first cruise on April 18, 1817. He commanded the fore-topsail schooner *Hotspur*, a vessel larger than most of the cruisers out of Galveston and armed, as befitted her size, with artillery heavier than ordinary. She carried one long brass 18-pounder set amidships and three long 9-pounders.²⁹⁸ Her cruising had not caused her any damages needing repair. After five days in the port Captain Rapp cleared the *Hotspur* for Galveston.²⁹⁹

It is not to be supposed that the *Hotspur* went straight to Galveston. Good hunting grounds lay to the eastward. To the eastward went the *Hotspur* and on June 29, northeast of Puerto Rico, her search found its reward. A Spanish merchant ship, one of a west-bound convoy, was almost within her grasp when its guardians injected themselves into Captain Rapp's business. The *Cazadora*, once the famous American privateer *Chasseur* of Baltimore but now of the Havana squadron, stood guard over the convoy while her consort the *Consulado*, late the American ship

²⁹⁶ James Campbell in the 1840's gave information not only to General Lamar but also to Bollaert, the first conscientious biographer of Jean Laffite: Charles Adams Gulick and Harriet Smithers, eds., *The Papers of Mirabeau B. Lamar* (5 v.; Austin, 1921-27), v. 4, part 2, 18 ff.; William B. Bollaert, "Life of Jean Laffite," in *Colburn's United Service Magazine*, October and November, 1851, and *Littell's Living Age*, XXXII, 433 ff.

²⁹⁷ Callahan, *op. cit.*, service record of Henry B. Rapp.

²⁹⁸ *New York Advertiser*, s-w., July 22, 1817.

²⁹⁹ *Louisiana Gazette*, April 24, 26, 1817.

Jacob Jones but now a heavily armed hermaphrodite brig of Havana, approached the privateer and hailed her. Captain Rapp replied that he was "a Cartagenan cruiser fitted out at New Orleans." The *Consulado* told her name and hoisted the Spanish flag. Captain Rapp hoisted the flag of the United States. Then an artillery action began.

Twice the men from Louisiana boarded the enemy, and twice the enemy drove them back. The Spaniards did not board in turn, but Captain Rapp learned that even the courage of his crew could not prevail against the greater force of a larger vessel equipped as a sloop-of-war. He gave up the fight and turned to escape. Only by sailing close-hauled to the wind could his schooner hope to outdistance a square-rigged vessel. To the northward fled the *Hotspur*. The *Consulado* followed until, after a stern chase of sixty miles, the schooner's square-top canvas drew out of sight. The *Consulado* returned to Havana. There she reported the loss of two men killed and twenty-one severely wounded. Her crew recounted that the privateer had suffered a loss of sixty.³⁰⁰

On July 1 the *Hotspur*, bound to New Orleans, hoisted American colors upon challenging a British vessel off the Bahamas. She hoisted instead the Mexican republican flag when Captain Rapp paid a visit aboard the Britisher. The privateer commander told his hosts that he had had twenty-four men killed or wounded.³⁰¹ Three days later he told another trans-Atlantic ship that his loss was twenty men and that he himself had suffered one slight wound.³⁰² When he arrived at the Mississippi Balize he landed fifteen or sixteen men "in a dreadful state" and reported his additional loss to be twenty-five men killed.³⁰³

What became of the *Hotspur* and her two flags is a question that may not easily be answered after the lapse of a century of years. Captain Rapp did not re-enter the United States Navy. He appears to have taken employment as an officer with Captain Stafford, whose piratical brig *Patriota* just at this time received a commission from Commodore Aury at Galveston Island. Apparently as an officer of the privateer brig that Stafford commanded in the following year, Rapp like others from aboard the privateer disagreed with his captain in the course of a cruise and deserted ship in Haiti.³⁰⁴

³⁰⁰ New York Advertiser, s-w., July 22, 1817.

³⁰¹ Bell's Weekly Messenger, August 17, 1817.

³⁰² New York Advertiser, s-w., July 22, 1817.

³⁰³ Columbian Centinel, August 27, 1817.

³⁰⁴ New York Evening Post, s-w., September 2, 1818.

XX

To Haiti and the lesser French Antilles the kings of France sent colonists who professed the prevailing religion. Huguenots emigrated to British colonies of North America, many of them to New York and to New England. The Huguenot *émigré* family of Champlin, established thus in Connecticut, sent a junior branch from New London to be prominent in New York City, but the parent stem remained hardy among the Yankees. In the War of 1812 Guy R. Champlin of New London³⁰⁵ commanded one of the most formidable private armed schooners that New York issued against British commerce. The stock company owning this vessel³⁰⁶ named it after the secretary of war who was brother-in-law to Edward Livingston of New Orleans. The *General Armstrong* had a celebrated and disastrous encounter with a British squadron within a Portuguese harbor, but under command of another captain. Captain Champlin, more lucky than his associate, took the privateer brig *Warrior* out of New York for a cruise that started a few days before the British-American treaty of peace was completed in Ghent. New York newspapers of April 15, 1815, announced his return from a circuit of the North Atlantic Ocean, in the hundred-and-forty-five-day course of which he had made six British prizes.

The ending of the Napoleonic wars caused a brief commercial boom in North American ports. It also put European vessels into trans-Atlantic trade. Early in 1816 American shippers learned that times were hard again. Enforced inactivity urged many North American sea captains to take out former privateer vessels of the United States under republican commissions of Buenos Aires. They formed a great squadron ("whole squadrons of pirates," said the Spanish minister to the United States) of which Thomas Taylor became commodore. Into this squadron Guy Champlin entered in the winter of 1816-17 with the schooner *Captain*,³⁰⁷ fitted out in New York with eight guns and sixty men.³⁰⁸ The *Captain* was renamed *General Artigas* after a leader in the Argentine wars. Champlin cruised to the southward. In the month of March, 1817, he anchored at Port-au-Prince, capital of the republic of Haiti.

³⁰⁵ New York *Evening Post*, in *National Intelligencer*, December 2, 1817.

³⁰⁶ *Niles' Register*, IV, 133.

³⁰⁷ New York *Advertiser*, s-w., July 20, 1819. The name is garbled in the Spanish legation's list published in various state papers.

³⁰⁸ Cf. AGI, PdeC, Legajo 1900, Fatio to the captain-general, May 24, 1817, copia 5, last item.

Haiti maintained friendship towards General Simón Bolívar and towards Venezuelan republican vessels, but did not offer it freely in other directions. Even before Baltimore had formed an Argentine squadron, President Pétion had had a disagreement with one North American privateer of Buenos Aires, but Commodore Taylor made what he thought to be a definite agreement³⁰⁹ with the Haitian authorities for reception of his vessels and their prizes.

In February of 1817 President Pétion changed his new policy without notice. By the twenty-third he had seized and condemned as pirate prizes, and to Haitian benefit, half-a-dozen Spanish vessels that had come in under Baltimore prize crews from aboard Argentine privateers.³¹⁰ On March 3 one of the capturing privateers came into port. Haitian soldiers took possession of her; the officers and crew they imprisoned as pirates.³¹¹ The schooner *General Artigas* and Captain Champlin were not thus to be caught napping when they arrived a few days later. By force of arms Champlin repelled boarders.³¹² Relinquishing his prizes, he and his cruiser escaped. These experiences were promptly reported to Commodore Taylor, who put Port-au-Prince under blockade until President Pétion should make compensation for Baltimore's Argentine losses.³¹³

News of these events reached the Gulf of Mexico, followed soon afterwards by Champlin with two slaver prize ships. On August 1 the customs collector of New Orleans wrote to the secretary of the treasury: "It is stated and uniformly believed that Capt. Champlin sold the slaves... to the Lafittes, Sauvinet and other speculators in this place.... Since they have been denied shelter in Port-au-Prince they have no other asylum than Galveston."

This letter became one of the public documents considered in the following March by the committee that reported the Neutrality Bill of 1818 to the House of Representatives. With its companion texts it reached publication in the newspapers as well as in Congressional reports.³¹⁴ Romantic writers of a later decade

³⁰⁹ *New York Columbian*, in *New York Advertiser*, s-w., June 6, 1817.

³¹⁰ *Bell's Weekly Messenger*, May 4, 1817.

³¹¹ *New York Advertiser*, s-w., April 30, 1817; *Baltimore Federal Republican*, June 10, in *Chillicothe Weekly Recorder*, June 25, 1817.

³¹² *Niles' Register*, XII, 108.

³¹³ *New York Columbian*, as above.

³¹⁴ *House Documents*, 15 Cong., 1 Sess., v. 2 (Ames 6), No. 12, pp. 8-11; *American State Papers, Foreign Relations*, IV, 134-135.

took it to their hearts and chose a romantic antecedent for the collector's pronoun *they*. On their misreading and, it seems, on nothing else is based the legend that Jean Laffite, being expelled in 1814 from Grand Terre, took Cartagenan privateers of Barataria to Haiti in 1815 and during the next two years cruised out of Haitian ports.

Captain Champlin had furthered the cause of romance in March of 1817 by leaving to his commodore the blockading of Port-au-Prince. Champlin chose to blockade Havana. On March 30 off the entrance to that port he captured the Spanish schooner *Enriqueta*, a slaver just arriving from Africa.³¹⁵ He lingered at the same post during more than a week and found reward for his patience in the capture of another slaver, the *Petronilla*. He put forty Spanish prisoners upon an American vessel entering Havana,³¹⁶ and he sailed for the west. In the second week of April Captain Champlin's schooner and his two slaver prizes arrived at Galveston.³¹⁷

The Negroes aboard the prizes were two hundred and eighty-seven in all.³¹⁸ Captain Champlin found that he must wait for the market to absorb so great a number. The loss of his southern port in Haiti appears to have led him into an agreement with Commodore Aury. He changed the name of his own cruiser to *Minerva*, gave her into the charge of one D. Moran, and sent her back to lie in wait off Havana.³¹⁹ With another armed vessel named for himself the *Champlin* he went with Aury in May to establish a new port in Matagorda Bay. A storm in June destroyed his new cruiser,³²⁰ but not his prizes. In July he was back in Galveston offering Africans to Pierre Laffite and other possible purchasers.

Another prize from the Straits of Florida came to Galveston consigned to Champlin. Commodore Beluche sent in the slaver ship *San Fernando*.³²¹ The market was glutted with Negroes to the number, it was reported, of six hundred and fifty.³²² Champlin

³¹⁵ New York Advertiser, s-w., April 19, 1817.

³¹⁶ Ibid., May 7, 1817.

³¹⁷ Louisiana Historical Quarterly, XXI, (1938), 1105.

³¹⁸ AGI, PdeC, Legajo 1900, Fatio to the captain-general, June 9, 1817, enclosure, relation of López.

³¹⁹ Cf. New York Advertiser, s-w., September 12, 1817.

³²⁰ Charleston Courier, January 9, in New York Advertiser, s-w., January 20, 1818; cf. *Gazeta de México*, September 6, 1817.

³²¹ AGI, PdeC, Legajo 1900, Fatio to the captain-general, July 9, enclosure, relation of San Macary, and same to same, September 29, 1817, copia 5.

³²² American State Papers, Foreign Relations, IV, 135-136.

sold some of his Africans by negotiation at Galveston, but to dispose of more he found necessary the old-time smuggling trade of the Louisiana coast. With four companions he entered the marshes of Attacapas. As his small boat crossed Vermilion Bay on October 1 a sharp squall blew up.

In his shipwreck in Matagorda Bay Captain Champlin had saved himself from drowning by clinging to wave-driven wreckage. In Vermilion Bay, a mile and a half from shore, his companions kept themselves afloat when the squall overturned their craft. It was only the Yankee plying an alien trade who lost his life. The seven thousand dollars that he carried on his person weighed Captain Champlin down.³²³

XXI

The bays and the bayous of the polyglot Gulf coast were known to Captain Franc, an Italian despite his French-looking name. Captain Franc never became so prominent in the romances as did the little Venezuelan cruiser that he commanded in the Gulf of Mexico. His name twice entered print in different misspellings when, perhaps for the first time, he came to New Orleans in 1816 after the battle of Margarita.

As sailing master Captain Franc commanded on the northward voyage the topsail schooner prize *Rita* (René Beluche's new cruiser *General Arismendi*),³²⁴ aboard which Beluche sailed as commodore. Captain Lominé with his pilot-boat-built privateer *Júpiter* (alias *Piñérez*, alias *Félix*) had helped capture the *Rita* off Margarita Island. Arrived at New Orleans he exchanged places with Captain Franc. While Lominé remained in town to help man and equip the *General Arismendi*, Franc took the *Júpiter* for a run in the Gulf. Aboard his cruiser of 83-tons burden he carried one brass 9-pounder and a crew of fifty or sixty men.³²⁵

On November 20, 1816 Captain Franc departed unceremoniously from the Mississippi Balize without paying his pilotage. Six days later he came back to the anchorage and there within pistol shot of Pilot Town he found two Spanish vessels from Campeche, a brig and a schooner. By virtue of his one 9-pounder gun he took possession of both, detained the captains on board and set the crews ashore. The United States naval commandant

³²³ *National Intelligencer*, December 2, 1817; *Louisiana Reports*, 5 Martin 568.

³²⁴ *Louisiana Gazette*, December 9, 1816, January 27, 1817.

³²⁵ AGI, PdeC, Legajo 1873, Masot to Cienfuegos, December 23, 1816, enclosure, declaration of Nicolas Davis.

in New Orleans, informed of this affair by message from the head pilot at the Balize, sent back orders that the prizes should be retaken and the privateer brought up to town.³²⁶ The *Jupiter's* prize crew aboard the schooner had thought better of their venture in territorial waters and already had given up their prize,³²⁷ but the brig under another prize crew had sailed for the republican admiralty court of Galveston.³²⁸ Captain Franc and the *Jupiter* had gone cruising again.

On the twenty-ninth, far to the southeastward, the *Jupiter* under the Spanish flag but also under her Margaritan republican commission, made two prizes, one a fishing schooner from Havana and the other the schooner *Sofia*, Matanzas to Pensacola, with a cargo of sugar, coffee and grain. The fisherman was set afire; Captain Franc later put its crew ashore on an island. The *Sofia*, although owned by the Floridan-British firm of Forbes & Company, sailed under Spanish registry, and therefore she as well as her lading was a good prize. In order to transship such of the prize cargo as the *Jupiter* could carry, Captain Franc convoyed the schooner into a convenient port. This was Tampa Bay, where the latter-day fable of a pirate Gasparilla had not yet thrilled hotel guests. Amid beautiful desolation, unseen except perhaps from afar by inquisitive Seminole Indians, Captain Franc made the transfer of cargo. Then he gave up the *Sofia* to her Spanish officers and crew, but their navigating instruments and their extra clothing remained with Captain Franc.³²⁹

Ship's stores removed from aboard the *Sofia* permitted the *Jupiter* to prolong her cruise, but it does not appear of record that Captain Franc made another prize at that time. Early in April the *Jupiter* was seen off the Mississippi Balize in company with the Venezuelan privateer schooner *Josefina* (Captain Querre) and the latter's Spanish prize.³³⁰ On April 17 these three vessels and another one-gun privateer not of Venezuela anchored off Jean Laffite's new port of Galveston.³³¹

³²⁶ *American State Papers, Foreign Relations*, IV, 186, 187; AGI, PdeC, Legajo 1873, Masot to Cienfuegos, December 19, 1816.

³²⁷ *Louisiana Gazette*, December 6, 1816.

³²⁸ *Of. Louisiana Gazette*, December 27, 1816.

³²⁹ AGI, PdeC, Legajo 1873, Masot to Cienfuegos, December 23, 1816, enclosure, declaration of Nicolas Davis; Legajo 1874, No. 27, Masot to Cienfuegos, January 8, 1817, enclosure.

³³⁰ *Louisiana Gazette*, April 19, 1817.

³³¹ *Of. Louisiana Historical Quarterly*, XXI, (1938) 1105; *L'Ami des Loix*, April 29, 1817; *State Papers & Publick Documents*, XI, 386; *House Documents*, 15 Cong., 1 Sess., v. 2, (Ames 6), no. 12, pp. 44-45.

The *Josefina* had received her Venezuelan commission on May 19, 1816,³³² and after refitting in Haiti³³³ had come to the Gulf on a cruise. The *General Arismendi* (late *Rita*) took a Venezuelan commission on May 8.³³⁴ The *Júpiter*, commanded then by Captain Lominé, gained her Venezuelan authority perhaps in the same month. Venezuelan privateer commissions ran for one year only. In May of 1817 the Venezuelan admiral published a summons to the *General Arismendi*, the schooner *Constitución* and the *Júpiter* to return to Margarita.³³⁵ The *General Arismendi* already was cruising southward. The *Constitución* on the way to her home port met shipwreck. The *Júpiter* abandoned her South American allegiance and decided to remain in the north as a free lance. On August 30 a British vessel spoke her off the coast of Cuba.³³⁶ Equipped now with a crew of Haitian Negroes the *Júpiter* came into the new republican port of Fernandina in Spanish East Florida just in time to take part in the battle of September 13 between republican defenders and attacking royalist forces.³³⁷

After the United States government put down this republican revolution in East Florida many of the smaller privateers that had gathered at Fernandina returned to the Gulf. Back came Captain Franc. In Galveston he found General Amable Humbert, who, arriving at the end of February, 1818, began to issue privateer commissions under the authority of the brothers Laffite, self-appointed Mexican republican governors of Galveston. Although the *Júpiter's* Venezuelan armament had consisted of only one gun, Captain Franc now increased his force to two pieces of artillery.³³⁸

Into Texas in the following year came General Long, striving to establish a republic that should be independent of royalist Mexico. Negotiations between the new crusader and Jean Laffite in Galveston put the facilities of that port at General Long's disposal. The *Júpiter* became the first privateer of the new republic.³³⁹ On November 30 General Long wrote from his camp

³³² *American State Papers, Foreign Relations*, IV, 136.

³³³ *Bell's Weekly Messenger*, April 6, 1817.

³³⁴ *American State Papers, Foreign Relations*, IV, 136.

³³⁵ Jamaica newspapers of late May, in *Chillicothe Weekly Recorder*, July 16, 1817.

³³⁶ *Bell's Weekly Messenger*, November 23, 1817.

³³⁷ Cf. AGI, PdeC, Legajo 1875, Coppinger to Cienfuegos, September 27, 1817, enclosure, relation of Llorente; *Florida Historical Quarterly*, VII, 28-29.

³³⁸ *House Reports*, 21 Cong., 1 Sess., v. 3, (Ames 201), no. 348, p. 74.

³³⁹ *New York Advertiser*, s.w., February 22, 1820.

near the Trinity River mouth: "The first vessel that sailed under our flag returned to Galveston a few days ago with a prize of dry goods, a few African slaves and six thousand dollars in specie after a cruise of three weeks off the island of Cuba."³⁴⁰

The new duty of the *Júpiter* attained to mention in many newspapers and thus figures permanently in the romantic records of the Gulf coast. One romanticist, who published a magazine article about Jean Laffite in 1851, a few months after William B.ollaert's British biography of that worthy had been reprinted in the United States, attributed the ownership of the *Júpiter* to Laffite³⁴¹ for want of better knowledge. This mid-century invention may or may not have accorded with fact. In either case it suited the taste of later romanticists. Therefore in the romances Jean Laffite continues to send out his privateer *Júpiter* in the service of General Long.

The dark of a century and more now refuses to reveal whether Captain Franc commanded on that first cruise. He did not continue to sail for General Long. The royalists drove the general out of Texas. The Americans drove Laffite out of Galveston. Times grew lean for privateersmen. Yet Captain Franc had helped to reap the grain that sprouts from Napoleonic fields of Europe had produced in the Americas.

XXII

Among the adventurers whom Europe and the Napoleonic wars contributed to New Orleans was Manuel Cortés. No friend of the restored Spanish King Ferdinand, Cortés nevertheless in New Orleans considered whether he might not gain a royal pardon for treasons he had committed. For a while he sailed a straight course, but in the summer of 1817 the Spanish consul was scandalized to learn that Cortés had gone off on the other tack like a good pirate and offered his services to the republican privateersmen of Mexico.³⁴² This tack was a short one with little of wind in it. Cortés soon turned his attention towards making the acquaintance of another picaroon, César Fournier.

The respected Fournier family of New Orleans would have rejected indignantly any claim that this second newcomer might have made to relationship with them. Sailors gossiping on the levee had many and conflicting tales to tell of Captain César, but

³⁴⁰ *Ibid.*, February 29, 1820.

³⁴¹ George A. Peirce, "Life and Times of Lafitte" in *DeBow's Review*, XI, 385.

³⁴² AGN, Notas Diplomáticas, v. 2, Fatio to Apodaca, September 15, 1817.

all the stories were bad. Captain César had been a sea captain out of the Island of Elba in the days of Napoleon's first exile.³⁴³ Yet in those same days he had found time to command a Spanish-American patriot privateer and to butcher a captured crew off the Venezuelan coast, and also to murder a man in Trieste. In Baltimore he had murdered two men, and then in Philadelphia only one. Set free from the Philadelphia jail in a manner that the gossippers thought unnecessary to explain, he came to New Orleans late in the year 1817.³⁴⁴

Fournier and Cortés in New Orleans put their heads together and agreed that the Southern horizon shone with brighter republican light than the western. Buenos Aires shimmered from across the seas. To follow the gleam a boat was needed. Fournier, being in funds, took title to a schooner of American registry, the *Louisiana*. He engaged an American master, Captain Adams. With a precious crew of his own choosing and nine passengers (including one woman) from among the friends of Cortés, the owner late in January of 1818 cleared his schooner for Santiago de Cuba. Cortés remained in town.

It was on the twenty-eighth that Pierre Laffite gave a bit of interesting news to the Spanish consul. The schooner *Louisiana*, though cleared for Santiago, was bound to Buenos Aires. She carried a forbidden cargo. Not because of her cargo but because of what she intended to do with it, to the disadvantage of Spanish commerce, she was about to violate a new neutrality law of the United States. Full of this news the consul went to the American customhouse. Beverly Chew, the customs collector, could not under the neutrality act of 1817 institute legal action against a vessel that, whatever her intent, had not yet violated neutrality, but he could refuse a clearance until the questionable cargo should be unloaded. Two or three days later, when the *Louisiana* did sail on her voyage to Santiago de Cuba, she sailed in ballast, or so the customhouse believed.³⁴⁵

The consul felt reason to believe otherwise. To Beverly Chew the consul went again with a story that Fournier and Adams were carrying somewhere concealed in the hold a cargo of arms that would make the *Louisiana* into a privateer if she should escape to the sea. The collector promised to send a messenger down the levee to Fort St. Philip and have the United States Army search

³⁴³ AGI, PdeC, Legajo 1900, Fatio to the captain-general, February 19, 1818.

³⁴⁴ Baltimore *Federal Republican*, in New York *Evening Post*, s-w., October 21, 1818.

³⁴⁵ AGI, PdeC, Legajo 1900, as above, and first enclosure.

the vessel. Early in the following month he reported to the consulate that no contraband had been found aboard the schooner and that the republican argonauts had sailed on their voyage.

They sailed, and to South America if not to Buenos Aires. They sailed to the Guiana coast, where rumor had credited Fournier with once butchering an entire captured Spanish crew. To the coast of French Guiana they sailed and there, by means of arms that American searchers had not found on board, their American schooner became a privateer of a sort. Eight landmen and a woman would be useless ballast on a privateering venture. Less cruel than in the stories told of him, Fournier refrained from murdering outright the friends of Manuel Cortés. Instead he put them ashore with scanty food on a desert island. It was Devil's Island.

Off the port of Cayenne the *Louisiana* cruised for a while, hoping to make prize of a rich French ship that was expected in those waters. Finding her hope to be vain she retraced her voyage part way to St. Pierre de Martinique, there to take on supplies. Loose talk by her sailors aroused suspicion on the part of the French authorities in St. Pierre. A search of the schooner now revealed hidden firearms that had not been declared in accordance with French regulations of the port. To jail went Fournier, Adams and their piratical crew.

Then aboard a French warship dispatched by the governor of Cayenne there came to St. Pierre eight vengeful American men and one woman. Chance and a coasting schooner had rescued the passengers marooned on Devil's Island. Out of jail came Fournier and Adams and into court to be tried and convicted and fined ten thousand francs apiece on a charge of violating French customs laws. If Captain Adams could not pay his fine he could work it out in the prison of Martinique. Fournier, made celebrated by the stories of Elba, of Trieste, of Baltimore, of Philadelphia, that his crew repeated in St. Pierre, was honored with being destined to France to stand another trial there on a charge of piracy.³⁴⁶

XXIII

One piratical privateersman had a sense of humor that may have caused him to laugh in bad times as well as in good times. This merryman was Captain Dubois. Commodore Beluche regarded him with favor and gave the hermaphrodite brig *General*

³⁴⁶ New York *Evening Post*, s-w., October 21, 1818; cf. London *Courier*, November 30, 1818.

Arismendi into his charge. Under a commission from Venezuela, which had just joined New Granada in the union of Colombia, Captain Dubois sailed from Charleston to cruise the Caribbean in the early summer of 1820. On June 1 off the Virgin Islands he captured the Spanish schooner *Josefa*, La Guaira to St. Thomas. The cash on board the prize was reported first to be sixty thousand pesos, then forty thousand, then a mere ten or twelve thousand. A few days later the *General Arismendi* took a Spanish slaver bound to Puerto Rico with ninety Africans. At the Five Islands, seven miles from St. Bart's, Captain Dubois landed and sold the Negroes. He was still ashore when a French warship took possession of his cruiser and ordered her for Martinique.³⁴⁷

Loss of Commodore Beluche's cruiser and Venezuelan commission did not discourage Captain Dubois while he had money in his pocket. An ancient brig sold by the United States Navy came into his possession. Rerigged as a ship and armed, as previously, with fourteen guns, she sailed out in 1821 from some friendly port with *Jupiter* as her name, a worthless Uruguayan commission as her authority, and Captain Dubois as her commander. In the Yucatan Channel a boarding party from the *Jupiter* robbed the American ship *Orleans* and spoke harshly to the American officers and crew. Captain Dubois concealed the identity of his cruiser and sent back to the ship's captain a flippant letter that he signed only *Richard-Coeur-de-Lion*.³⁴⁸

A few weeks later, farther to the eastward, Captain Dubois' boarding party treated politely the American brig *Helicon*, New Orleans to New York. They told the story of the *Orleans*, but not that they themselves had written it. They said that the humorous *Richard-Coeur-de-Lion* had been none other than Jean Laffite.³⁴⁹

In leisurely fashion Captain Dubois travelled along the coasts of the Spanish Antilles in the month of September. About the first of October he cast anchor again at the Five Islands. There he found lack of the hospitality that the Swedish government of St. Bart's had long accorded to piratical cruisers whose commissions would not bear inspection. Stung perhaps by charges of collusion with warlike guests,³⁵⁰ the governor took virtuous action against Captain Dubois. With the help of an Argentine cruiser that happened to be at hand the governor seized the *Jupiter* and

³⁴⁷ New York *Advertiser*, s-w., June 27, July 4, August 4, 1820.

³⁴⁸ Cf. *Niles Register*, XXI, 119, 131.

³⁴⁹ Washington *Gazette*, August 27, 1821.

³⁵⁰ Cf. Washington *Gazette*, August 22, 1821.

put her up for sale at auction. As in the previous year, Captain Dubois made his escape good.³⁵¹ So good indeed did he make it that he and his facetiousness and his *nom de plume* vanished all together into the obscurity of time.

XXIV

A long, long time ago Governor Alston of South Carolina bade good-bye to his wife. It was early in the War of 1812, and British armed vessels might be at hand to capture the pilot-boat-built schooner *Patriot*, which had come from New York to fetch Mrs. Alston. The lady's father had sent for her, and she must go. She was not well; she could not travel by land. Aboard the *Patriot* she went unafraid; for the lady was Theodosia the fearless, daughter of Aaron Burr. The *Patriot* sailed from Charleston. In nearly eight years that pilot-boat-built schooner was not heard of again in any port of the seaboard.

Throughout seven years New Orleans, the great port of the Gulf, had other things to think of. Privateer vessels sailed first out of the Mississippi River. Then they sailed out of Barataria. Then they sailed out of Galveston under Mexican commissions signed by Amable Humbert and distributed by the brothers Laffite. Those two Mexican patriots gave one commission to two close companions, Jean Desfarges as captain and Robert Johnson as first officer. In August of 1819, with their privateer schooner *Bravo*, two guns and a crew of perhaps twenty-two men, Desfarges and Johnson captured the Spanish schooner *Filomena* off the coast of Cuba. On the twenty-ninth the privateer and her prize lay in the waters of the Dry Tortugas. Two schooners approached.³⁵²

These were United States revenue cutters, the *Louisiana* (Captain Loomis) and the *Alabama*, both bound to New Orleans. The *Alabama* engaged the *Bravo* in battle. Six privateersmen lost their lives (or so it was both reported and denied) before Captain Desfarges surrendered.³⁵³ Captain Loomis took his squadron and his prizes to the Balize. On September 15 the customary conflicting accounts began appearing in the newspapers.

Late in the year the two officers and their sixteen surviving men were tried and convicted before Judge Hall sitting as a trial judge not of his own district court but of the United States circuit

³⁵¹ Cf. *Niles' Register*, XXI, 131; *Washington Gazette*, October 22, December 11, 29, 1821.

³⁵² *New York Advertiser*, s-w., October 12, 1819.

³⁵³ *New York Advertiser*, s-w., October 22, 26, 1819; *Niles' Register*, XVII, 111, 123.

court of appeals. All were sentenced to death. Their trials had been held under provisions of the Neutrality Act of 1818. This was a piece of political legislation, whose effects in five different towns were causing distress to President Monroe and his advisers. In the cabinet meeting of March 20, 1820, the gentlemen considered the cases of no fewer than forty-five men recently convicted in those towns and sentenced to death as pirates. The gentlemen decided to permit the execution of two in each town, or ten in all, and to reprieve and ultimately to pardon all the others.³⁵⁴

The gentlemen found some difficulty in choosing two pirates to be hanged in each of the four other towns, but not in New Orleans. From New Orleans if not from a transcript of testimony information had come as to "one case of peculiar atrocity," which more surely than Judge Hall's sentence spelled out death warrants for Jean Desfarges and Robert Johnson. Not until after the execution of those two men aboard a warship in the Mississippi River did it become publicly known that they had made a confession of murder.

Jean Desfarges and Robert Johnson had been sailors aboard the pilot-boat-built schooner *Patriot*, in which Theodosia Burr Alston had sailed from Charleston for New York. Two or three days in fair weather the *Patriot* had coasted northward. Then, at night, Desfarges and Johnson overpowered passengers and crew, confined all below decks, stood in towards land and scuttled the schooner. With all valuables they could find they put off to shore in a small boat. Behind them the *Patriot* sank. To no dry death the fearless Theodosia went down.³⁵⁵ Two murderers, held together in fearful companionship, together kept during eight years a fearful secret.

XXV

The schooners *Petit-Milan* and *Presidente* kept secret their arrival on the coast until they had all but reached the smuggler's port of Cat Island. Then Lieutenant Cunningham aboard *Gunboat 65 USN* came prying around Terrebonne Bay. It was the month of April, 1815, when the lieutenant captured the two privateers and also the Spanish schooner that was already prize to the *Petit-Milan*. Vessels, officers and crews sailed into the Missis-

³⁵⁴ *Memoirs of John Quincy Adams*, V, 19-21; cf. *Louisiana Historical Quarterly*, VIII (1925), 352.

³⁵⁵ *New York Mercantile Advertiser*, in *New York Advertiser*, s.w., June 23, 1820.

issippi River under arrest.³⁵⁶ Certain interested persons posted bonds in the United States district court, and the *Petit-Milan* and the *Presidente* were released. When at last in the following February they had their hearing before the judge the privateer vessels were condemned. The prize *Santa Rita* and her cargo were ordered restored to the original owners, as were the cargoes of prize goods that the two privateers had brought back³⁵⁷ from the insurgent coast of Vera Cruz. Whether the commissions under which the *Petit-Milan* and the *Presidente* had cruised were good or bad did not bring about this act on the part of the court. Judge Hall's decision based itself upon the fact that both schooners had been outfitted in the United States in violation of that country's neutrality.³⁵⁸

Vincent Gambi, commanding the *Petit-Milan*, and Pierre La Maison, commanding the *Presidente*, had come earlier into court on criminal charges made because of the same capture. Here legality of commissions and the doctrine of illegal outfit had no bearing upon the case at all, because the panel had been packed with jurymen who did not conceal their prejudice in favor of privateersmen. Both commanders went free.³⁵⁹ The syndicate in New Orleans that directed the sailing of lawless cruisers sent Gambi out cruising on September 2 with his bonded schooner. The *Presidente* passed to a new commander, and La Maison assumed a new command, the schooner *Indiana*.

Anyone who believed the shipping news in the New Orleans newspapers might have thought the *Indiana's* speed to be greater than it really was. On April 29 that schooner had arrived at the Mississippi Balize reporting herself brazenly as coming from Barataria.³⁶⁰ On May 21 she came to the same river mouth, and the shipping report presented her as arriving from Cartagena.³⁶¹ She said nothing of Haiti, and if her Haitian outfit³⁶² included artillery she said nothing of leaving her armament on deposit at Grande Terre. A schooner who so well knew her way through the inner seas seemed suitable for the command of a man who so well knew his way through the district court. Under the name

³⁵⁶ AGI, PdeC, Legajo 1828, correspondence of the commanders of English vessels, American enclosure.

³⁵⁷ Cf. *American State Papers, Foreign Relations*, IV, 535.

³⁵⁸ *American State Papers, Foreign Relations*, IV, 432.

³⁵⁹ Cf. AGI, PdeC, Legajo 1836, Morphy to the captain-general, September 4, 1815.

³⁶⁰ *Louisiana Gazette*, May 6, 1815.

³⁶¹ *Ibid.*, May 23, 1815.

³⁶² AGI, PdeC, Legajo 1900, Fatto to the captain-general, May 24, 1817, copia 5, item 9, and same to same, January 19, 1818.

of *Eugenia* and, for a while, under no commission except from her New Orleans owners, the *Indiana* became La Maison's cruiser.³⁶³

La Maison's bad luck in the case of the *Presidente* was repeated. Under circumstances unrevealed the *Eugenia* met capture by the American authorities and condemnation in the district court.³⁶⁴ Under bond, or bought at marshal's sale, the *Eugenia* again took to the sea. In company with other vessels owned by the syndicate she was held in readiness during the summer and early autumn of 1815 for service in a raid planned for the latter months of the year. Revision forced itself upon these plans. Captain La Maison freed himself and his cruiser not only of his special duty but also of New Orleans. For several months in the following year his home port was Boquilla de Piedras, a half sheltered beach on the coast of Vera Cruz, where the insurgent officers did not ask to examine privateer commissions.

To the southward of Vera Cruz on October 11 La Maison, the *Eugenia* and their one swivel gun made a prize. On one of their cruises across the Yucatan Channel they landed Spanish prisoners on the coast of Cuba. Returning to Boquilla at the end of November, La Maison learned that the port had fallen to the royalists.³⁶⁵ Early December found him at Galveston.³⁶⁶ There Commodore Aury assigned to him the duty of blockading the waters off the Mississippi River mouth.³⁶⁷

Captain La Maison was performing this task four miles off the bar, when, on January 17, 1817, the brig *Tom Bowline* USN came rolling along. Lieutenant Beekman Ver Planck Hoffman regarded the *Eugenia* with suspicion that deepened upon investigation. On the coast below Vera Cruz the *Eugenia* had taken her prize under the flag of Cartagena, a state that no longer existed, and on touching at Boquilla de Piedras had hoisted the flag of the Mexican congress, similarly defunct.³⁶⁸ Now, off the Mississippi Balize, Captain La Maison could show no papers at all. Lieutenant Hoffman did see on board the *Eugenia* several colored men, who might perhaps be slaves to be smuggled into Louisiana. He sent the schooner to New Orleans with a prize crew.³⁶⁹

³⁶³ AGI, PdeC, Legajo 1796, Morphy to Apodaca, July 10, 1815.

³⁶⁴ *American State Papers, Foreign Relations*, IV, 432.

³⁶⁵ AGM, Historia, v. 152, Arredondo to Apodaca, March 8, 1817, enclosure, declaration of Pozo.

³⁶⁶ *L'Ami des Lois*, in *Louisiana Gazette*, December 27, 1816.

³⁶⁷ AGI, PdeC, Legajo 1898, Onís to Cienfuegos, February 28, 1817.

³⁶⁸ AGM, Historia, v. 152, as above.

³⁶⁹ *State Papers & Publick Documents*, XI, 363.

Again the *Eugenia* had sunk into difficulty, but again she bouyed herself out of it. The indignant La Maison, thinking how best to insult the United States government, announced in the newspapers the next sailing date of his liberated *Eugenia*. On August 22 the Mexican schooner did sail³⁷⁰ with a crew of thirty-five men including many Italians. She sailed into her usual trouble. The unruly Italians rose in mutiny against their captain. Into his body knives slashed seven times before La Maison could restore order. The *Eugenia* sailed back to New Orleans to put her wounded master ashore. In Christmas week she started out again with one Chevalier in the place of La Maison and with three other officers and her crew of thirty-five. Seven days she cruised not far from the coast without taking a prize. Then she found herself attacked by the hermaphrodite brig *Almirante* (Lieutenant Aubarede), an 18-gun warship out of Havana. For two hours the battle lasted, one gun against eighteen. Not until Captain Chevalier, the mate and one sailor had been killed did the *Eugenia* surrender. On New Year's Day the *Almirante* brought her prize to Pensacola.³⁷¹ There the governor put his thirty-six prisoners into chains and set them to work repairing the fort of Barrancas against a possible return of Captain Job Northrup with all the Mexican pirates of Galveston.³⁷²

This news reached New Orleans at a time when, it seems, the convalescent La Maison had decided on a new venture. In company with a longboat to be built for his friend William Mitchell, he would go out in a sailing pirogue and follow the coast of Florida to the fruitful waters of the Straits.³⁷³ General Humbert, before leaving on February 19, 1818, for Galveston, issued to Mitchell and La Maison the first two of his new Galvestonian privateer commissions. In April, when the expedition was about to start out, a band of revenue officers seized Mitchell's boat in the bayous, but La Maison's pirogue escaped detection. In one way or another La Maison went to sea and made a prize, the schooner *Panchita* of Havana.

At the end of July, in that same year of 1818, the schooner *Firebrand* USN captured the *Panchita* (armed with two guns as

³⁷⁰ AGM, *Notas Diplomáticas*, v. 2, Rionda to Urguida, September 3, 1817; *American State Papers, Foreign Relations*, IV, 136.

³⁷¹ AGI, PdeC, Legajo 1900, Fatio to the captain-general, January 19, 1818.

³⁷² AGI, PdeC, Legajo 1877, Masot to the captain-general, February 9, 1818.

³⁷³ AGI, PdeC, Legajo 1900, Fatio to the captain-general, February 21, 1818.

a Mexican privateer) and on August 4 sent her in to the Balize.³⁷⁴ The Spanish consul claimed the vessel in the district court for the Spanish owner. The court decreed that she should be restored. La Maison appealed to the supreme court. Pending review of the case the *Panchita* was sold and the proceeds put into escrow. La Maison's agent bought the *Panchita* from the marshal and registered her as an American vessel. In March, 1819, this same schooner, renamed *Two Friends*, was ready to follow La Maison, who already had gone to Galveston. The consul and the customs collector did what they could to detain her, but her papers were in perfect order even though her passenger list included the names of General Humbert and Dominique You. With a clearance for St. Thomas Island the *Panchita* sailed in late March for Jean Laffite's new Galveston.³⁷⁵

The *Two Friends* (alias *Panchita*) remained in the service of Galveston until the spring of 1820. Then Jean Laffite abandoned his Texan port and went with his cruisers to open a new port in the Yucatan Channel. In July the *Two Friends* was back in New Orleans. On August 5 she cleared as an American vessel for Cuban ports carrying a cargo of provisions. The Spanish consulate reported to the captain-general of Cuba that the provisions were destined not to Cuba but to the new privateer station in the Yucatan Channel.³⁷⁶

News from Galveston had been scanty in the past year. News from Yucatan in the next years was almost nonexistent. If Pierre La Maison went to the new privateer port he need do no more in order to conceal his whereabouts. He disappeared as thoroughly as if he had gone to live in Philadelphia or New York.

XXVI

The two Smith girls of New York made marriages that may have seemed none too good, one to Laverty and one to Tooker. Laverty, indeed, never did cut a great figure in the world. Tooker had come to New York as a country boy from Newburgh and taken work as a grocer's clerk. The Tookers had no children. The Lavertys had Ellen.

³⁷⁴ *House Reports*, 21 Cong., 1 Sess., v. 3 (Ames 201), no. 348, pp. 74-75; *House Documents*, 15 Cong., 2 Sess., v. 6 (Ames 22), no. 100; *New York Advertiser*, s-w., September 15, 1818.

³⁷⁵ AGI, Estado de México, Legajo 14, report of January 31, 1819, enclosures, Fatio to the captain-general, March 31, and Fatio to Apodaca, May 11, 1819.

³⁷⁶ AGI, PdeC, Legajo 1945, Villavaso to the captain-general, August 5, 1820.

Laverty learned on one black day that he was a widower. He was no hand to rear properly a motherless child. Ellen went to live with her aunt and uncle. These came soon to cherish her as if she had been in fact their child. She was known by their name. Everybody called her Ellen Tooker. Other girls in New York might envy this foster child more than the love of foster parents. Ellen was rich. That is to say, her uncle was. The boy from Newburgh had not remained a grocer's clerk. He became a grocer. He entered the import trade. As early as 1798 he put his sign to a warehouse in Coenties Slip on the East River front. He was the rich Mr. Samuel Tooker. In the War of 1812 he sent out privateer vessels.³⁷⁷

In January of 1817 no one therefore could well be astonished that the swift schooner belonging now to Smith & Hubble,³⁷⁸ on which the owners were loading a cargo of warlike supplies, should bear the name *Ellen Tooker*. The schooner's commander, Adam Pond, was a man who had gained a privateersman's experience in the War of 1812.³⁷⁹ That may have been equally true of some men among the thirty-two who composed the crew. Since letters-of-marque were no longer to be had at the customhouse, the *Ellen Tooker* within New York Bay regarded her warlike supplies as cargo. Not even such respect as Captain Pond may have had for international law and his country's neutrality did prevent the schooner at sea from raising one piece of artillery from her hold and mounting it on a deck swivel.³⁸⁰

On the last day of the month the *Ellen Tooker* sailed from New York Bay. She carried such a cargo as no American statute or executive order had yet declared to be unlawful. She was bound to the Mississippi Balize as a first port of call, but the Universal Insurance Company of Baltimore was issuing a policy "to and at a port or ports, place or places, in the Gulf of Mexico, from the Balize to Campeachy, both inclusive, and from either, back to New York, or a port of discharge in the United States upon all kinds of lawful goods and merchandise laden, or to be laden, on board the schooner *Ellen Tooker*." On February 25, a date of which even a square-rigged vessel might not have been ashamed, Captain Pond landed

³⁷⁷ Joseph A. Scoville (Walter Bartlett, pseud.), *The Old Merchants of New York City* (5 v.; New York, 1885), II, 365-367.

³⁷⁸ *Orleans Gazette*, June 9, in *New York Advertiser*, s-w., July 15, 1817.

³⁷⁹ Cf. Coggeshall, *op. cit.*, 420.

³⁸⁰ Cf. *Louisiana Historical Quarterly*, XXI (1938), 1106.

at the Balize. Up to New Orleans he went alone to learn where he might best dispose of his cargo.³⁸¹

Two months earlier³⁸² a schooner of Chesapeake Bay had made a similar voyage from Norfolk with a similar cargo and had received an armed escort at Galveston.³⁸³ The brig *Maryland* had failed to find a purchaser on the formerly insurgent coast for her cargo of arms. To the captain of another Baltimore filibuster some "picaroon of a Spaniard" (in New Orleans, apparently) had recommended Nautla as a suitable port for sale of munitions of war to Mexican republicans.³⁸⁴ The same picaroon or some other gave Captain Pond the same advice. In the second week in March³⁸⁵ the *Ellen Tooker*, with her captain once more on board, sailed from the Balize. On March 23 she lay off Nautla. Like the Baltimore filibuster before her, she learned of her mistake in time to save her paint work. She retreated up the coast to the other port that Captain Pond had heard of in New Orleans or wherever. But at Talacuta (Tlacatalpan) the five men whom Captain Pond sent ashore to report to republicans fell prisoner to the royalists in possession of that place. The five men proceeded to Vera Cruz under arrest.³⁸⁶ The *Ellen Tooker* continued her northward voyage. On April 5 she came to Galveston entrance.³⁸⁷

Here Captain Pond found at least the promise of a market for his cargo. General Xavier Mina was about to start on his expedition to liberate Mexico for republicans. Mina agreed to buy Captain Pond's munitions, but only upon delivery in the Santander River, where he planned to make his landing. On April 7 the expedition set off³⁸⁸ in six vessels, and the *Ellen Tooker* made a seventh. The landing at the river's mouth took place without resistance. Four vessels of the expedition, belonging to Galveston, returned northward. Mina's two ships and the schooner from New York anchored off the bar.³⁸⁹ Captain Pond went up to the

³⁸¹ *United States Reports*, 6 Wheaton 176.

³⁸² *Louisiana Gazette*, November 29, December 6, 1816, the *General Jackson*.

³⁸³ *Charleston Courier*, January 9, in *New York Advertiser*, s-w., January 20, 1818.

³⁸⁴ *Hernández y Dávalos*, *op. cit.*, VI, 901; AGI, PdeC, Legajo 1900, Morphy to the captain-general, February 26, 1817.

³⁸⁵ *New York Advertiser*, s-w., April 2, 1817.

³⁸⁶ *Orleans Gazette*, in *New York Advertiser*, s-w., July 15, 1817.

³⁸⁷ *United States Reports*, as above.

³⁸⁸ *Of. Louisiana Historical Quarterly*, XXI (1938), 1103, 1105.

³⁸⁹ William Davis Robinson, *Memoirs of the Mexican Revolution* (2 v.; London, 1821), I, 135, 152.

town, Soto la Marina, to negotiate with Mina for the sale of his merchandise.

On May 18 a Spanish squadron appeared off the coast. General Mina's two ships remained to be captured and burned, but not so the *Ellen Tooker*. Captain Pond's first mate got the schooner quickly under way and made northward up the coast.³⁹⁰ A four hour's chase convinced the pursuing Spaniard that the Americano close-hauled was the faster sailer. Not until two weeks later was the coast clear again. Then the *Ellen Tooker* came in once more to the Santander bar and took Captain Pond aboard. Experiences on this voyage had caused some injury to the schooner's foremast. After a visit to the Mississippi Balize for repairs the *Ellen Tooker* went a third time to the Santander River, still hoping to make a sale. She arrived on June 22,³⁹¹ a week and a day after the republicans in Soto la Marina had surrendered to royalist land forces.³⁹² No market existed now on the Santander River for the *Ellen Tooker's* cargo.

Captain Pond sailed northward to Commodore Aury's new privateer station at Matagorda (Pass Cavallos.) There he learned that Mexican insurgents no longer possessed any port at all below the Río Grande. With his Mexican market completely destroyed, Captain Pond had no choice but to go home. New York newspapers reported his arrival, July 20, at Sandy Hook, "from Matanzas." On the twenty-fifth they announced that the *Ellen Tooker* had brought back most of her outward cargo and that the republican cause in Mexico had declined.

Smith & Hubble did what they could towards surrendering their schooner's cargo to the company that had insured it and towards collecting on the insurance policy. While the Universal Insurance Company was beginning a struggle with Smith & Hubble in the federal courts, the *Ellen Tooker* busied himself in a new project. She assumed a cargo such as she had not succeeded in selling on the coast of Mexico: 84 cases of muskets; 52 kegs of musket flints; 20 cases of musket balls; 792 kegs of powder; 25 barrels of pitch; 15 cases of sabres and pistols; 12 cases of cloth; 1,800 knapsacks; 1,800 canteens; 25 tons of iron. With these articles of war consigned to Captain Pond as supercargo the *Ellen Tooker* sailed again from New York. On September 28, seven days

³⁹⁰ *Gazeta de México*, June 4, 1817.

³⁹¹ *United States Reports*, as above.

³⁹² *Gazeta de México*, June 27, 1817.

out, she was spoken far to the eastward of the Bermudas, heading southward close-hauled to the trade winds.³⁹³ Two months she sailed southward. On November 24 she came in at Buenos Aires.³⁹⁴

After that date at Buenos Aires the schooner named for Laverty's daughter disappears completely from the record as if the River Plate had swallowed her down. In her place appears a previously unrecorded craft, the Argentine privateer schooner *Cyripo*.

The Argentine government had carried on a privateering system under direction of an Englishman, Thomas Taylor, who had been for several years a resident of Buenos Aires and of late a citizen of the new republic. Taylor went to Baltimore, called himself an American citizen, and organized a squadron of brigs and large schooners that sailed under Argentine commissions but acknowledged Baltimore nevertheless as their home port. Thomas Lloyd Halsey, a native of Rhode Island who was a merchant in Buenos Aires and acted there as commercial agent ("consul") for the United States, wished to set himself up as agent for prizes that privateersmen might send in to the River Plate. Therefore he sent Argentine commissions to persons in the United States inviting the fitting out of privateer vessels that should be independent of the Baltimore fleet and earn him a commission on their sales of prize goods.³⁹⁵ Meanwhile the government in Buenos Aires assessed an enormous tax of two-thirds on the proceeds of prize ships and prize goods passing through their admiralty court. Protests from privateer captains (one complained of being "robbed right and left") yielded little relief from this heavy toll.³⁹⁶

Beyond the River Plate in lands that now are Uruguay a rebellious Argentine general, José Artigas, had set up his own republic of the Banda Oriental in defiance of Buenos Aires, of Spain, of Brazil and of Portugal. Brazil had occupied Montevideo; Colonia del Sacramento was the only port of the Oriental Republic. Out of Colonia the privateers of General Artigas sailed against Portuguese and Brazilian commerce as early as the year 1816.³⁹⁷ Late in 1817 Thomas Lloyd Halsey made a secret arrange-

³⁹³ *Columbian Centinel*, November 1, 1817.

³⁹⁴ *Gazeta de Buenos Ayres*, November 29, 1817. The *Gazeta's* word *lencería*, translated as cloth in the preceding list, may be a misprint for *lanceras*, meaning lances.

³⁹⁵ *Of. Memoirs of John Quincy Adams*, IV, 44-45.

³⁹⁶ *Of. Gazeta de Buenos Ayres*, December 13, 1817.

³⁹⁷ *Bell's Weekly Messenger*, February 16, 1817.

ment with General Artigas. Secretly he acquired a parcel of Oriental commissions that authorized privateersmen to raid not merely Spanish but all Iberian and even Brazilian commerce. Secretly he distributed them. The Buenos Aires agent of the British Lloyd's knew that Oriental commissions issued by the Argentine outlaw Artigas were to be had in Buenos Aires.³⁹⁸ So too did Captain Adam Pond.

On January 3, 1818, Captain Pond was accepted by the Argentine nation as a naturalized citizen.³⁹⁹ On that same day the *Cyripo* under his command sailed down the River Plate.⁴⁰⁰ The *Cyripo* carried an Argentine commission as a privateer. She carried also an Oriental commission for herself and "a quire"⁴⁰¹ of similar papers for distribution in northern ports. Just as Lloyd's agent had gathered information a year earlier, so now a Portuguese agent informed himself concerning Captain Pond and learned that the Oriental commissions had come from Halsey. The Argentine government likewise informed itself of what the semi-official agent of the United States had done to bring upon Buenos Aires the wrath of Portugal and Brazil. Halsey disappeared suddenly from public view about the middle of January, but the seal of the Argentine government upon his consulate door told the world that he had disappeared into jail. A special commissioner of the United States, who happened to be in Buenos Aires at the moment, used official influence to procure Halsey's release.⁴⁰²

Meanwhile the accomplices in this disorder had been proceeding northward. St. Bart's, that neutral and hospitable port of the Antilles, welcomed Captain Pond and the *Cyripo* as additions to her trade in uncondemned prize goods. "Prize goods to a large amount," brought in by the new Argentine citizen on his northward cruise, were announced for sale at St. Bart's on May 6. The admiral of Venezuela, who used St. Bart's as a point of transfer for goods sent to him from England, took possession of the *Cyripo* upon learning that she cruised under two commissions,⁴⁰³ one against Spanish and one against Spanish and Portuguese commerce. Yet the harm had already been done; Captain Pond had dis-

³⁹⁸ *Ibid.*, September 7, 1817, February 8, 1818.

³⁹⁹ *Gazeta de Buenos Ayres*, March 3, 1818.

⁴⁰⁰ *American State Papers, Foreign Relations*, IV, 254.

⁴⁰¹ *New York Evening Post*, s-w., September 12, 1818.

⁴⁰² *Memoirs of John Quincy Adams*, V, 92-93; *Baltimore American*, in *New York Evening Post*, s-w., April 1, 4, 1818; Manning, *op. cit.*, I, 523. The story is told somewhat differently by the *Dictionary of American Biography*, VIII, 162.

⁴⁰³ *New York Evening Post*, s-w., June 3, 1818.

tributed his Oriental papers at St. Bart's.⁴⁰⁴ Portugal complained to the nineteenth century league of nations. Venezuela outlawed the Oriental commissions of St. Bart's and sent out her own vessels to capture them. The little schooner that once bore the name of Laverty's daughter had brought about a condition of piracy in the eastern Caribbean Sea.

News from St. Bart's may have caused emotion to Miss Ellen Tooker in New York City. It was as well that the *Cyripo* no longer bore the earlier name. But if the schooner could change her name, so too could the lady. She did so. Laverty's daughter became known to New York as Mrs. Joseph Hudson.⁴⁰⁵

⁴⁰⁴ *Ibid.*, September 12, 1818.

⁴⁰⁵ Scoville, *op. cit.*, II, 367.

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**NEW ORLEANS AND THE CUBAN QUESTION DURING THE
LOPEZ EXPEDITIONS OF 1849-1851: A LOCAL
STUDY IN "MANIFEST DESTINY"***

By CHESTER STANLEY URBAN

INTRODUCTION

"Manifest Destiny" as it existed in America during the two decades prior to the Civil War was not only a strange phenomenon which offers a fascinating study today, but its virility and popularity contributed to make it an integral part of the America of that day. It is impossible for instance to comprehend thoroughly American diplomacy from the years 1844 to 1860 without a competent grasp of the causes, meaning, and significance of the "Manifest Destiny" doctrine. In recent years such American scholars as Julius W. Pratt, J. Fred Rippey, A. Curtis Wilgus, and Albert K. Weinberg have thrown much new light on that doctrine. Interpretations of "Manifest Destiny" vary from that of Samuel F. Bemis who thought it a policy of peaceful penetration, to that of Weinberg who declared it a combination of idealism, land hunger, and a fear of European encroachments on American soil. On the other hand the Narciso Lopez expeditions to Cuba of 1849-51 have also been the object of recent studies by competent historians, both in monographs and magazine articles. None of these, however, has shown the general social, political, and economic conditions existing in New Orleans which made that city the natural *point d'appui* for the military attempts against Cuba, or the important role played by the inhabitants of the city in organizing, equipping, and launching Lopez's expeditions. This study sketches the general factors and portrays the immediate background of events in the region of New Orleans which combined to produce a very favorable reception by that city of Lopez in 1850. It shows that the military ventures unquestionably owed their life and proportions to citizens of the city who also aided in surreptitiously launching them against Cuba in opposition to the will of the National Executive; that citizens of the Crescent City refused to

* Master's Thesis in History, Louisiana State University, 1933.

convict the filibusters when they were tried under Federal charges; that the great majority of the press and public there favored the acquisition of Cuba by the United States; and finally, that the "Manifest Destiny" spirit in the city and the immediate vicinity was considerably more aggressive than Bemis' interpretation of peaceful penetration implies.

Of the sources used in this study the most valuable were the New Orleans newspapers. Interestingly enough other writers on the Lopez expeditions have not adequately exploited this material. By far the best repository for these sources is the New Orleans City Hall Archives. Those primary magazine articles found most helpful were contained in either *De Bow's Review* (New Orleans, 1846-1880), or in the *Democratic Review* (Washington and New York, 1837-1859). While the Hill Memorial Library has a complete set of *De Bow's Review* for this period, there were no pertinent copies of the *Democratic Review* for the years 1849-1852 available here. The New Orleans libraries have most of the essential volumes, but others had to be procured from eastern universities. The most valuable contemporary military accounts of the expeditions are those of Lieutenant Richardson Hardy, *The History and Adventures of the Cuban Expedition* (Cincinnati, 1850), and O. D. D. O., *The History of the Late Expedition to Cuba* (New Orleans, 1850). Both these volumes are to be found in the Library of Congress, Washington, D. C. Government documents were not only revealing as to the organization of the Round Island and, to a lesser degree, the Cardenas expeditions, but exceedingly valuable on the diplomatic correspondence between Spain and the United States over the actual expeditions, and the official reports of the New Orleans riots. These documents are divided between Hill Memorial Library, New Orleans Public Library, and Howard Memorial Library of that city. Available municipal and state court records were so scanty as to be most disappointing. This evidence is located for the greater part in the record room of the United States District Court for the East District of Louisiana although some material *in re* rioters arrested in the New Orleans riots is contained in the attic of the Clerk's office of the Criminal District Court for the State of Louisiana, Parish of Orleans. Concerning secondary materials it was found that magazine and periodical articles were of aid. With the one exception of an article by Melvin J. White, "The New Orleans Riot of 1851," in *The Tulane Graduates Magazine* (New Orleans, 1914),

these articles are contained in the Hill Memorial Library. While published monographs on closely allied subjects were of great aid in some instances, secondary books aided very little in the preparation of this study.

CHAPTER I

"MANIFEST DESTINY," ECONOMICS, AND CUBA

"The North Americans *will* spread out far beyond their present bounds. They *will* encroach again and again on their neighbors. New territories *will* be planted, declare their independence and be annexed! We have New Mexico and California! We will have Old Mexico and Cuba! The isthmus cannot arrest—nor even the Saint Lawrence!! Time has all this in her womb." J. D. B. De Bow, "The South American States," *De Bow's Review*, VI (1848), 9.

The "Manifest Destiny" or the "Spread Eagle doctrine"¹ developed in the United States in the late 'forties and the early 'fifties of the last century.² The motivating force of this doctrine was in part regional interest, especially in the South and West which felt the essential need of new land. In the South eyes fell upon desirable adjacent slave domains.³ To this fundamental land-grabbing motive there was fused a new and vibrant idealism, having for its roots American egotism, and a firm belief in the superiority of the American people and their institutions. This new spiritual exultation had for its basic purpose the extension of the area of freedom for all but the Negro.⁴ With the union of

¹ New Orleans *Daily Delta*, June 29, 1851. The fidelity of this Democratic journal is amazing, for it never faltered in its devotion to the Cuban cause. The *Delta* desired Cuba immediately and was the most ardent champion of all military attempts against the island. In 1849 it was owned by L. J. Sigur, former state senator, Denis Corcoran and M. G. Davis. In the fall of that year Davis retired as part owner because he opposed the extreme Cuban policy of the paper. Sigur and Corcoran continued as joint owners until the spring of 1851 when Sigur sold his interest to buy a ship for the Cuban filibusters. The editorial policy did not change as a result of this partial sale.

Origin of the term "Manifest Destiny" has been attributed to John L. O'Sullivan, editor of the *Democratic Review*, who is first thought to have coined the phrase in July, 1845. See Julius W. Pratt, "Origin of Manifest Destiny," *American Historical Review* (New York, 1895-), XXXII (1927), 795-798.

² A. Curtis Wilgus, "Official Expression of Manifest Destiny Spirit," *Louisiana Historical Quarterly* (New Orleans, 1917-), XV (1932), 486; M. E. Curti, "Young America," *American Historical Review*, XXXII (1927), 35; Albert K. Weinberg, *Manifest Destiny, a Study of Nationalist Expansion in American History* (Baltimore, 1935), 109-110.

³ *Weekly Delta*, May 6, 1850; *Daily Delta*, July 22, 1851; Captain General Concha, Havana, March 31, 1851, quoted in Robert G. Caldwell, *The Lopez Expeditions to Cuba, 1848-1851* (Princeton, 1915), 41; Carl Schurz, "Manifest Destiny," *Harpers New Monthly Magazine* (New York, 1850-), LXXXVIII (1893), 736; William O. Scroggs, "The Lopez Expeditions to Cuba," *Mississippi Valley Historical Review* (Lincoln, Nebraska, and Cedar Rapids, Iowa, 1914-), III (1917), 403-404; James M. Callahan, *Cuba and International Relations, a Historical Study in American Diplomacy* (Baltimore, 1899), 221. See Wilgus, *loc. cit.*, 486. He denied that the spirit of "Manifest Destiny" was at any time exclusively a sectional affair.

⁴ *Daily Delta*, March 18, 1851; Weinberg, *Manifest Destiny*, 100-101, 121-122; Ephraim D. Adams, *The Power of Ideals in American History* (New Haven, 1913), 67; Wilgus, *loc. cit.*, 486.

the material desire to the altruistic there was born a new mental attitude, crusading in spirit, which was to extend gratuitously, if not forcibly, its democracy upon oppressed neighboring peoples. This virile philosophy voiced the doctrine that it was America's destiny, by God's will, to control eventually the whole of the North American continent and the adjacent islands. It did not hesitate at the thought of forcibly ejecting decadent Europe from this hemisphere.⁵ In the late 'forties America was characterized by a restless spirit and driving energy that sought an outlet. Many adventuresome spirits had gathered in the Southwest,⁶ but the Mexican War absorbed their energy for a time. The easy success of that conflict acted as a stimulus to national desire for expansion.⁷ That wish was whetted by a keen American suspicion of European aggression on the North American continent. Americans feared political corruption from too close contact with Old World absolutism, and was apprehensive lest European aggrandizement forestall her own.⁸

Cuba, the "Gem of the Antilles," was not to escape the desires of the South. Its proximity to Florida and New Orleans, favorable climate and fertile soil, successful exploitation of slave labor, and actual and potential wealth were factors not easily ignored.⁹ Although Cuba had been a part of Spain's colonial empire since 1763, the latter's decadence was apparent to America long before 1850. American expansionists had hoped to acquire Cuba by purchase, but this project had been frustrated when Spain refused to sell Cuba in 1848 and 1849 at any price.¹⁰ Shortly after this date the campaign for the annexation of Cuba began in earnest. To gain the support of the moderates, and to attract the eyes of the populace to Cuba, many expansionists printed articles condemning Spanish despotism in Cuba. The burden of taxation was

⁵ *Daily Delta*, May 5, June 21, 1850; *De Bow's Review* (New Orleans, 1846-1880), VI (1848), 9. This periodical was published under such varying names as the *Commercial Review of the South and West*, *De Bow's Commercial Review of the South and West*, and *De Bow's Review of the Southern and Western States*. It will be cited as *De Bow's Review*. *Louisiana Courier* (*Courier de la Louisiane*), August 17, 1849. This Democratic journal, printed in both French and English, was ultra-expansionist in regard to Cuba. It urged immediate acquisition, and supported filibustering attempts against the island. In 1850 its editors were James Theard, James Graham, and F. L. Nicomede.

⁶ Justin H. Smith, *The War with Mexico*, 2 vols. (New York, 1919), I, 123-124.

⁷ Curti, *loc. cit.*, 35; Wilgus, *loc. cit.*, 492.

⁸ Weinberg, *Manifest Destiny*, 109-112; Adams, *Power of Ideals*, 80.

⁹ See footnotes 24-25 of this chapter.

¹⁰ Romulus Saunders, Minister to Spain, to James Buchanan, December 14, 1848, in *House Executive Documents*, 32 Cong., 1 Sess., No. 121, p. 58; Callahan, *Cuba and International Relations*, 221.

affirmed to be overwhelmingly great,¹¹ the high tariff wall against American goods was condemned,¹² the absence of civil and administrative liberty was deplored,¹³ and oddly enough the heavy slave traffic was vigorously attacked, and was regarded as a valid reason for the annexation of the isle.¹⁴ Such propaganda was not without its effect. The sympathy of many Americans was enlisted and the idea found frequent expression by the middle of the century that it was "Manifest Destiny" that Cuba be annexed to the Union.¹⁵

Economic factors were very significant in the desire for Cuban annexation. Cuba's commerce had steadily progressed since 1820. During the ten-year period from 1838 to 1847, Cuba's annual average of imports and exports was approximately \$50,000,000.¹⁶ Her volume of business increased steadily and by 1851 was estimated at \$60,000,000.¹⁷ Trade between the United States and Cuba had sprung up very early and by 1836 this nation was importing yearly from Cuba 670,000 boxes of sugar weighing four hundred pounds apiece, and approximately 700,000

¹¹ *New Orleans Crescent*, September 1, 1849. Politically the *Crescent* was a Whig organ and it remained definitely conservative in tone as concerned the Cuban movement. It advocated the annexation of Cuba, but deplored attempts of violence against the island for it felt that these would retard its desired inclusion in the Union. In 1849 its editors were William Walker, later a filibuster to Nicaragua, and Samuel F. Wilson, formerly of the *Mobile Register*. At that time however it was owned by A. H. Hayes and J. E. McClure. In 1850 Hayes was the sole owner, but in 1851 John W. Crockett, commissioner of the new customs house, and John W. Frost, of the law firm Bullard and Frost, were the owners. *Weekly Delta*, September 24, 1849; *Daily Delta*, April 3, 1851; "Cuba," *Democratic Review* (Washington and New York, 1837-1859), 198. This magazine appeared under the name of the *United States Magazine and Democratic Review* from 1837 to 1851. In 1852 the title was changed to the *Democratic Review*. It will be cited as *Democratic Review*.

¹² *Crescent*, September 1, 1849; *Weekly Delta*, September 24, 1849; *Courier*, August 17, 1849; *New Orleans Bee* (*L'Abeille de la Nouvelle Orleans*), June 12, 1850. The *Bee* was an Anglo-French paper, and a moderate Whig journal. Its moderation was apparent in its policy on the Cuban question, although it often veered slightly in the direction of the radical left. From 1849 through 1851 the editors and owners were John Magne, French editor, and G. F. Weisse, English editor. The *Bee* was the official journal for the First Municipality.

¹³ *Crescent*, September 1, 1849, May 27, 1850; *Weekly Delta*, September 17, 24, November 5, 1849, May 20, 1850; *Daily Delta*, May 14, 1850, March 28, May 20, June 7, 1851; *New Orleans Picayune*, September 2, 5, October 19, 1849, June 6, 1851. The *Picayune* was a Whig journal which favored the Cuban cause, and the inherent right of Americans to aid Cuba. Although not as much of a Cuban agitator as the *Delta* and the *Courier*, the *Picayune* was radical more often than moderate in the controversy. From 1849 through 1851 the editors and owners were F. A. Lumsden and George W. Kendall.

¹⁴ *Crescent*, July 30, 1849; *Weekly Delta*, July 8, 1850; *New Orleans Commercial Bulletin*, August 24, 1849. This last paper was the news organ of the merchant class and was extremely conservative. It was consistently indifferent or hostile to the filibustering Cuban movement, although it would accede to the peaceful acquisition of Cuba by the United States. In 1849 the *Bulletin* was owned by William Hodge, but in 1850 he shared ownership with Isaac G. Seymour. The latter was sole owner in 1851, although the editorial policy did not vary as concerned the annexation of Cuba.

¹⁵ *Courier*, August 17, 1849; *Bulletin*, August 24, September 5, 11, 1849, May 17, June 19, 1850; *Weekly Delta*, June 30, July 22, 1851; J. D. B. De Bow, "The Late Cuba Expedition," *De Bow's Review*, IX (1850), 173.

¹⁶ "Commerce and Resources of Cuba," translated from the "Diario de la Marino," of Havana, January 2, 1849, quoted in *Hunt's Merchant's Magazine and Commercial Review* (New York, 1839-1870) XXI (1849), 39-40; *Weekly Delta*, September 3, 1849.

¹⁷ *Daily Delta*, May 13, 1850; *Bulletin*, August 17, 1849; A. W. Ely, "Cuba As It Is in 1854," *De Bow's Review*, XVII (1854), 229.

arobas of coffee.¹⁸ In 1847 of total Cuban imports amounting to slightly more than \$32,000,000 approximately one-fifth came from the United States; Cuban exports for the same year were almost \$28,000,000, of which over \$12,000,000 went to the United States.¹⁹ In 1849 trade between the two countries was "of great and rapidly increasing importance."²⁰ A year later it was stated that the trade of the United States with Cuba "vastly outstrips that of any other nation." Twice as many American as Spanish vessels traded with Cuba, and four times as many American as English and French craft combined conducted commerce with the island.²¹ Much of our nation's trade with Cuba was from and to the Mississippi Valley region by way of New Orleans.²² Commercial relations between the Mississippi Valley and Havana, via New Orleans, constantly assumed a more valuable aspect,²³ and it is not surprising that many persons in and around New Orleans interested themselves in the welfare of Cuba.

Cuba was represented as a veritable paradise, abounding in numerous minerals,²⁴ rich forests, exceedingly fertile agricultural lands, and fine harbors.²⁵ Yet these Cuban enthusiasts were careful to point out the destructive influences of Spanish trade restrictions in Cuba, and they affirmed that Cuban annexation to the United States would augment enormously Cuban wealth and trade.²⁶ Once Cuba was attached to the Union, prophesized the expansionists, the Mississippi Valley would be the recipient of the greatest benefits, for trade between that section and Cuba would increase ten-fold. New Orleans would be the Alexandria and Havana the Constantinople of America's empire.²⁷ Cuba would then become a great consuming market for the beef, flour, and pork of the Trans-Allegheny West.²⁸ These were the American

¹⁸ Alexander Jones, *Cuba in 1851; Containing Authentic Statistics of the Population, Agriculture and Commerce of the Island for a Series of Years with Official and Other Documents in Relation to the Revolutionary Movements of 1850 and 1851* (New York, 1851), 13.

¹⁹ *Crescent*, August 31, 1849.

²⁰ *Picayune*, August 30, 1849.

²¹ Jones, *Cuba in 1851*, 13-14.

²² *Picayune*, August 30, 1849; James E. Winston, "Economic History of New Orleans," *Mississippi Valley Historical Review*, XI (1924), 200.

²³ *Courier*, August 17, 1849.

²⁴ *Bulletin*, August 16, 1849; *Weekly Delta*, September 3, 1849; *Daily Delta*, May 13, 28, 1850.

²⁵ *Weekly Delta*, September 3, 1849; *Daily Delta*, May 13, 28, 1850.

²⁶ *Weekly Delta*, September 17, 1849, May 27, 1850; *Daily Delta*, May 20, 28, 1850; *Crescent*, May 27, 1850.

²⁷ *Crescent*, October 1, 1849, May 24, 1850. See the *Courier*, August 17, 1849, May 29, 1850; *Picayune*, August 30, 1849; and the *Crescent*, January 15, 27, July 25, 1851, for trade arguments of the annexationists.

²⁸ "Cuba," *Democratic Review*, XXV (1849), 198; *Crescent*, May 27, 1850; *Bee*, June 12, 1850.

products which had been virtually excluded from Cuba by the high Spanish tariff wall²⁹ at an estimated annual loss of about \$10,000,000.³⁰ With annexation all artificial tariff barriers would be discarded. It was estimated that Cuba's wealth and resources would enable the South to counteract northern wealth and power.³¹ Cuba was desired because it was believed that her absorption would be a prelude to the ultimate annexation of the rest of the Antilles.³²

By 1850 the uncomfortable competition given Louisiana sugar planters by importations of Cuban sugar had quite an influence upon the annexation question in New Orleans. Cuban planters had certain marked advantages over Louisiana growers in that their labor was cheaper,³³ climate more suitable, and their lands yielded about twice as much per acre.³⁴ When Louisiana had a very poor sugar crop in 1846,³⁵ it was observed that the importation of 45,000 boxes of Havana sugar into New Orleans, and heavy importations elsewhere in the United States, had had an adverse effect upon the price of Louisiana sugars in the domestic market.³⁶ Although New Orleans imported less than 15,000 boxes of Havana sugar in 1848-49, by 1850-51 the Crescent City was receiving annually almost 30,000 boxes.³⁷ A drought and a November frost vitally affected the Louisiana sugar crop of 1850, and the deficiency accounted for the increased foreign purchases. By March, 1850, the Louisiana molasses output was nearly exhausted with high prices prevailing, and great Cuban importations of that product resulted.³⁸ Although it was estimated in 1850 that the yearly consumption of sugar in the United States was about 550,000,000 pounds, and that Louisiana and Texas could supply

²⁹ *Crescent*, May 27, 1850; *Bee*, June 12, 1850.

³⁰ *Crescent*, May 27, 1850.

³¹ *Weekly Delta*, November 11, 1850, July 28, 1851.

³² *Courier*, August 17, 1849.

³³ Jones, *Cuba in 1851*, 22-23; *Bulletin*, September 27, 1849.

³⁴ Thomas W. Wilson, *The Island of Cuba in 1850, Being a Description of the Island, Its Resources, Productions, Commerce, etc.* (New Orleans, 1850), 7.

³⁵ *New Orleans Price Current, Commercial Intelligencer and Merchants Transcript*, September 1, 1847. The *Price Current* was a weekly official trade journal which was published from 1849 through 1851 by Francis Cook and G. B. Young. Although it is very helpful for trade statistics, it is valueless as an indicator of public opinion for it did not concern itself with domestic affairs not related with trade. "Cotton and Sugar Trade in 1850 and 1851," *De Bow's Review*, XI (1851), 493; "Trade and Commerce of New Orleans," *De Bow's Review*, IV (1847), 398.

³⁶ *Price Current*, September 1, 1849; "Trade and Commerce of New Orleans," *loc. cit.*, 396, 398; "Former and Present Times and Trade in New Orleans," *De Bow's Review*, VII (1850), 432.

³⁷ *Price Current*, September 1, 1851; "Cotton and Sugar Trade in 1850 and 1851," *loc. cit.*, 493; *De Bow's Review*, XII (1852), 84.

³⁸ *Price Current*, September 1, 1851; "Cotton and Sugar Trade," *loc. cit.*, 492-494.

normally but 300,000,000 pounds,³⁹ Louisiana sugar growers were represented as being dissatisfied with the low sugar tariff on Cuban products.⁴⁰

Sentiment in New Orleans was divided over the prospect of duty-free sugar coming into the United States in the event of Cuban annexation. The expansionists asserted that annexation would give the United States a world monopoly of sugar,⁴¹ and that it would result in the opening of new world markets.⁴² Some argued that it would immediately raise the price on American slaves so that Louisiana sugar planters could profitably transfer their slaves to new sugar plantations in Cuba.⁴³ Other proponents maintained that Cuban annexation would raise the standard of living and the cost of Cuban slaves so that sugar production costs in Louisiana and Cuba would be equalized.⁴⁴ Values of sugar lands in Louisiana and Cuba would, according to their assertions, be equalized.⁴⁵ It was claimed that among the ardent devotees of the annexation movement were many wealthy Louisiana sugar planters.⁴⁶ However, the anti-expansionists repeatedly proclaimed that if Cuba were admitted to the Union, it could only result in the ruin of the Louisiana sugar planters, since they could not withstand the unequal competition of duty-free Cuban sugar.⁴⁷

The issue of slavery was also involved in the controversy. Although Spain nominally owned Cuba, English and French economic influences predominated both in Spain and Cuba, and in the southern part of the United States the rumor was current that England and France were seeking to force Spain to liberate Cuban slaves.⁴⁸ This idea was repugnant to friends of slavery in the

³⁹ *Ibid.*, 493; *Price Current*, September 1, 1851.

⁴⁰ *Bulletin*, September 27, 1849.

⁴¹ *Daily Delta*, June 8, 1850; *Weekly Delta*, July 28, 1851; "Cuba," *Democratic Review*, 203.

⁴² *Weekly Delta*, July 28, 1851.

⁴³ *Bee*, June 12, 1850.

⁴⁴ Jones, *Cuba in 1851*, 22-23.

⁴⁵ "Cuba," *Democratic Review*, 203.

⁴⁶ *Daily Delta*, July 25, 1851.

⁴⁷ *Bulletin*, June 19, 1850; *Crescent*, July 25, 1851; New Orleans *True Delta*, May 25, 1850. After M. G. Davis withdrew from the *Daily Delta*, he and John Maginnis, formerly connected with the *Picayune*, founded the *True Delta* on November 18, 1849. The paper continued under their management through 1851. This Democratic organ offered the seeming paradox of out-Whigging all Whig journals in its bitter hostility to the Cuban movement and its support rendered to the effects of a Whig administration to stifle filibustering attempts. It viewed the annexation of Cuba with suspicion, regarding such as pernicious to the slave interest of the South and the sugar investments of Louisiana. New Orleans *Orleanian*, September 13, 1849, June 7, 1850. A most inconsistent Cuban policy was pursued by the *Orleanian* because of the fact that its English editor fully endorsed the Cuban cause while the French editor was adamant against it, favoring the Whig administration's attempt to suppress the expeditions. The *Orleanian* was rarely moderate but divided its time between the radical and conservative camps. J. C. Prendergast was the proprietor in 1850 and 1851. The *Orleanian* was the official organ for the Third Municipality.

⁴⁸ *Orleanian*, May 15, 1850; Caldwell, *Lopez Expeditions*, 31-32; Louis M. Sears, *John Slidell* (Durham, North Carolina, 1925), 107 et seq.

South who regarded the liberation of Cuban slaves as an economic and social threat to the South's peculiar institution.⁴⁹ It was affirmed that if the United States possessed Cuba, slavery there would become mild and inoffensive,⁵⁰ and at the same time the institution in the United States would be greatly stimulated.⁵¹ Interventionists vigorously denied that action on the part of the United States in Cuba would give European nations or the North a right to interfere with slavery in the South,⁵² and the issue of slavery was adjudged as very likely to hasten the acquisition of Cuba.⁵³ Much of the anti-expansionist program also centered around the welfare of slavery in the South. They contended that interference in Cuba would open the possibility for Europe or the North to attempt to free Southern slaves. *The Daily Delta* accused Judge Henry A. Bullard and the *New Orleans Bulletin* of being among leading exponents of this doctrine.⁵⁴ It was further maintained that if Cuba were admitted into the Union the result would be harmful to the South.⁵⁵ There would occur such a drainage of working slaves from the border states to Cuba that the institution of slavery in the South would disappear within twenty-five years.⁵⁶ Thus many friends of slavery staunchly opposed the Cuban scheme.

Even in the military discussions which were given much thought in the controversy over Cuba, economic considerations for the Mississippi Valley may be perceived. It was voiced in many quarters that the United States could not allow any European power other than Spain to possess Cuba.⁵⁷ It was almost uniformly conceded in New Orleans that foreign possession of Cuba in time of war would be a vital threat to the United States,⁵⁸ and especially to the commerce and safety of the Mississippi Valley.⁵⁹ Dissenters

⁴⁹ *Crescent*, May 27, 1850; *Daily Delta*, October 26, 1850; Caldwell, *Lopez Expeditions*, 31-32. The South also feared that Spain might liberate the slaves in Cuba and set them upon their former masters, thus making another Santo Domingo out of Cuba. See the *Courier*, May 3, 1850; *Bee*, May 4, 1850; *Daily Delta*, March 18, 1851; William L. Hodge, New Orleans, to Taylor, May 7, 1850, in *Sen. Ex. Docs.*, 31 Cong., 1 Sess., No. 57, p. 51; and John L. O'Sullivan to John C. Calhoun, August 24, 1849, in the *Correspondence of John C. Calhoun*. *House Documents*, 115 vols., 56 Cong., 1 Sess., No. 735 (Washington, 1900), pp. 1202-1203. This work will be cited hereafter as the *Correspondence of John C. Calhoun*.

⁵⁰ *Crescent*, July 30, 1849.

⁵¹ *Bulletin*, July 19, 1850.

⁵² *Daily Delta*, June 13, 1850, July 1, 1851.

⁵³ *Bulletin*, September 5, 1849. At the same time it was expected that the North would oppose Cuban annexation because Cuba was a slave state, and its admission would thus augment the political strength of the South. *Courier*, August 13, 19, 1851.

⁵⁴ *Daily Delta*, June 13, 1850. Judge Bullard had been a judge of the Supreme Court of Louisiana from 1834-1846 with the exception of a few months in 1839 when he served as Secretary of State. In 1850, he had been elected to Congress. V. H. Ivy, "The Late Henry A. Bullard," *De Bow's Review*, XII, 54-55.

⁵⁵ *True Delta*, July 27, August 3, 1851.

⁵⁶ *Ibid.*, August 3, 1851.

⁵⁷ *Ibid.*, August 27, 1851; *Bulletin*, August 18, 1851; *Crescent*, May 15, 27, 1850.

⁵⁸ *Crescent*, May 24, 27, 1850; *Courier*, August 17, 1849.

⁵⁹ *Crescent*, May 15, 1850; *Picayune*, September 6, 1851; Jones, *Cuba in 1851*, 10-11.

to the Cuban scheme declared that the position of Cuba as a potential threat to the commerce of the United States in time of war had been overestimated.⁶⁰

Another prominent factor in the Cuban annexation program was politics. Expansionists argued that Cuba was needed for the political protection of the South since the balance of power between the North and the South had been upset in favor of the North by the Compromise of 1850.⁶¹ Shortly after the proposed annexation two slave states could be fashioned out of Cuba and the South's political power in the Union thus augmented.⁶² The opposition feared that the Cuban movement would reopen sectional feuds allayed by the Compromise of 1850,⁶³ and hesitated lest the North annex Canada as a counter stroke.⁶⁴

By 1850 and 1851 the "Manifest Destiny" doctrine, commercial motives, land lust, military and political forces had so interlocked that there was in New Orleans almost a universal desire for Cuba. The movement was recognized as a new version of the "Manifest Destiny" doctrine;⁶⁵ it was asserted that the American people were guilty of a lust for territory,⁶⁶ and that Cuba was considered "a delicate morsel" by expansionists.⁶⁷ Cuba would be regarded by them as only half free if she won her independence and then did not enter the Union.⁶⁸ By the fall of 1849 some newspapers had declared themselves in favor of annexation with the least possible delay.⁶⁹ In 1850, the New Orleans *Picayune* reiterated its hope that Cuba would shortly become a part of the Union,⁷⁰ and a year later this paper was maintaining that Cuba was a "fixed fiat in American politics," and that it must be given independence or annexed.⁷¹ The New Orleans *Crescent* advocated that senators of Louisiana constantly urge the annexation of Cuba,⁷² and regarded Cuban annexation as inevitable.⁷³ The *Delta* declared that it would support in the

⁶⁰ Thomas C. Reynolds, "Cuba, Its Position, Dimensions and Population,—Position with Reference to the United States, Territorial Limits and Extent of the Island, Progress and Statistics of Population, etc.," *De Bow's Review*, VIII (1850), 313.

⁶¹ *Daily Delta*, September 13, November 5, 11, 1850.

⁶² *Ibid.*, November 5, 11, 1850.

⁶³ *Crescent*, August 27, 1849, July 25, 1851; *Weekly Delta*, August 25, 1851.

⁶⁴ *Crescent*, July 25, 1851.

⁶⁵ *Bee*, May 4, 1850.

⁶⁶ *Crescent*, July 5, 1851.

⁶⁷ *Bulletin*, June 19, 1850.

⁶⁸ *Crescent*, July 25, 1851.

⁶⁹ *Courier*, August 17, 1849; *Picayune*, October 19, 1849.

⁷⁰ *Picayune*, May 23, 1850.

⁷¹ *Ibid.*, September 6, 1851.

⁷² *Crescent*, May 24, 1850.

⁷³ *Ibid.*, May 27, 1850.

election of 1852 the candidate who declared himself in favor of the annexation of Cuba.⁷⁴ The moderates on the annexationist idea favored Cuban entrance into the Union, but opposed the idea of coercion. The *Crescent* admitted a strong predilection for Cuban annexation, but affirmed that more would be accomplished by compromise and conciliation with Spain than by war and bloodshed.⁷⁵ In 1851 the same paper opposed making the question of the annexation of Cuba a presidential issue in 1852, maintaining that such a course would stir up old sectional controversies between the North and the South, and thus sap the strength of the Union.⁷⁶ The New Orleans *Bee* and the *Bulletin* concurred in the desire for the annexation of Cuba, but advocated legitimate means, and opposed a war with Spain for this purpose.⁷⁷ The most serious and consistent opposition to Cuban annexation came from the New Orleans *True Delta*. This organ remained unaffected by the idea of Cuba and "Manifest Destiny,"⁷⁸ but looked with concern at the harm that would be done slavery in the South by the inclusion of Cuba in the Union,⁷⁹ and by the havoc that it would bring to Louisiana sugar planters.⁸⁰ The New Orleans *Orleanian* also opposed for a time Cuban annexation because of the harm it would cause to Louisiana sugar growers.⁸¹ Perhaps the clearest revelation of the depth and intensity of the desire in New Orleans for annexation is made apparent by opposition journals. The *Orleanian* affirmed that it was in Louisiana and New Orleans that people were most heartily in favor of the Cuban movement.⁸² The *True Delta* asserted that, in spite of the adverse economic conditions which it believed would accrue to Louisiana in the event of annexation, there could be no doubt that the people of Louisiana would pronounce for Cuban annexation by a large majority.⁸³ A well-informed critic reviewing the question in *De Bow's Review* concluded that, regardless of the motives, there was a "well fixed and almost universal conviction upon the minds of our people, that the possession of Cuba is indispensable."⁸⁴

⁷⁴ *Daily Delta*, November 13, 1850.

⁷⁵ *Crescent*, August 27, 1849, July 26, 1851.

⁷⁶ *Ibid.*, July 25, August 18, 1851.

⁷⁷ *Bee*, June 12, 24, 1850; *Bulletin*, September 11, 1849, June 19, 1850.

⁷⁸ *True Delta*, August 3, 1851.

⁷⁹ *Ibid.*, July 27, August 3, 1851.

⁸⁰ *Ibid.*, May 25, 1850.

⁸¹ See footnote 47 of this chapter.

⁸² *Orleanian*, June 7, 1850.

⁸³ *True Delta*, May 25, 1850.

⁸⁴ J. D. B. De Bow, "The Late Cuba Expedition. Military Spirit of Our Country; Its Dangers; Our Neutral Duties and the Questions Which Arise under Our Treaties, Etc., with Spain," *De Bow's Review*, IX (1851), 173.

While feeling in New Orleans over the annexation of Cuba was intensely keen, Narciso Lopez and a few of his Cuban compatriots came to New Orleans in the spring of 1850. Much of the populace there quickly took these men and their filibustering Cuban designs to their hearts. Not only was this pitifully small foreign band tolerated and allowed to live, but the citizenry of New Orleans pumped money, men and life into the expeditions, giving them respectable proportions and a distinctly American cast. When the will of the National Executive decreed that these military expeditions were unlawful, and that they must be prevented, expansionists in the Crescent City proceeded to flout the presidential proclamations, and twice succeeded in surreptitiously launching filibustering expeditions against Cuba. When Lopez and his American benefactors were tried in the Federal courts in New Orleans, it was revealed that the populace would not condemn these men. In August, 1851, when news came to New Orleans that the last Lopez expedition, coming to a dismal failure, had resulted in the summary trial and execution at Havana of fifty-one men, many of whom were Americans, resentment at New Orleans quickly flared to a fever heat. Rioters there wrought their vengeance upon the office of the Spanish consul, and the business establishments of Spanish merchants, and burned the consul in effigy. It appears likely that such events, occurring in New Orleans from 1849 through 1851 and occasioned by the several phases of the Cuban question, offer a fertile field for an impartial observer to consider the causes and operations of the "Manifest Destiny" sentiment as it then existed in this country. The purpose of this study is to investigate that subject.

CHAPTER II

IMMEDIATE BACKGROUND OF LOPEZ'S SOUTHERN EXPEDITIONS

The Rey affair has naturally raised everywhere the question of the annexation of Cuba to the United States. *Courier*, August 17, 1849.

"We have been told that it [the Cuban expedition] is not yet dead; it only sleeps. And certainly if there is, or ever was, a will and a means for such an enterprise, we see nothing to prevent it." *Crescent*, September 18, 1849.

In the early part of July, 1849, two movements began in and around New Orleans which were to direct much attention to the Cuban question. The first of these was the Garcia Rey abduction

case which concerned the mysterious disappearance of the foreigner, Juan Garcia Rey, from New Orleans. The populace there was soon convinced that Rey had been forcibly abducted by the Spanish consul at New Orleans, Don Carlos España. The entire affair including trial proceedings was to drag on for six months, but its frequent crises produced an intense ill-will on the part of the New Orleans populace toward the consul and the Spanish government itself. The second movement was the attempted formation near New Orleans of a military expedition against Spanish Cuba. This small band was the southern wing of the main body of expeditionaries under the direction of General Narciso Lopez, proscribed Cuban patriot, which was operating around the city of New York. Simultaneous attacks on Cuba from New York and New Orleans were planned in the fall of 1849, but the national government quickly suppressed both expeditions. The dispersion of the southern division was to arouse much opposition from the New Orleans press, and it was vigorously asserted that future expeditions would liberate Cuba in spite of governmental opposition. These two movements were to mirror the tempo of the times, to reflect the rising spirit of resentment against Spain, and make it possible for the stirring events of 1850 and 1851 to occur in New Orleans.

On July 5, Juan Garcia Rey, Spanish resident in New Orleans, was taken, under very strange circumstances, aboard a craft bound for Havana.¹ Rey's sudden disappearance aroused the suspicion of his landlord, Jose Morante, and it was not long before the news spread and certain newspapers were discussing the guilt of the Spanish consul at New Orleans, Carlos España, in connection with Rey's abduction.² Almost overnight speculation was rife, and the press was besieged for information.³ There was much talk about the violation done by España to American honor,⁴ and the affair created a general sensation.⁵ España quickly presented certain documents relative to the case to Recorder Joseph Genois of the First Municipality, and was pronounced innocent by the recorder.⁶

¹ Rey had been a jailer at Havana, Cuba, but had aided in the escape of three prisoners in March, 1849. He had come to New Orleans and had since been under the surveillance of the Spanish consul at New Orleans. *Daily Delta*, July 17, 1849; *Weekly Delta*, July 23, 1849; "Cuba," *loc. cit.*, 201; Caldwell, *Lopez Expeditions*, 51-54.

² *Picayune*, July 19, 1849; *Bee*, July 19, 1849; *Daily Delta*, July 16, 1849; *Crescent*, July 20, 1849.

³ *Courier*, July 20, 1849; *Picayune*, July 19, 1849.

⁴ *Picayune*, July 19, 1849; *Orleanian*, July 20, 1849.

⁵ *Bee*, July 19, 21, 1849.

⁶ According to España's story, Rey had repented for his crime and wanted a pardon. Seeing that he could obtain one at Havana, Rey voluntarily left for that city. *Crescent*, July 20, 21, 1849.

That act failed to appease several of the newspapers and a full trial was demanded.⁷ Morante swore out affidavits against the consul on July 21,⁸ and the Garcia Rey abduction trial was called for July 27, in the court of Justice George Y. Bright. There España was to be simultaneously prosecuted by the United States and the State of Louisiana.⁹

Prior to the trial certain journals, firmly convinced that the Spanish consul was guilty of a gross outrage, had condemned the inactivity and indifference of public officers to an investigation,¹⁰ and threatened dire consequences to the consul in the event he were proven guilty.¹¹ More moderate organs advised waiting for the evidence before pronouncing judgment.¹²

On the opening day of the trial the "excitement was intense, and the room and galleries were crowded to suffocation. Hundreds were unable to obtain admission, and a large crowd was assembled opposite, in front of Hewlett's Exchange, awaiting the result."¹³ In order to satisfy the desire of the city for immediate news the *Courier* announced an extra edition for the trial proceedings.¹⁴ The plaintiffs had selected Cyprien Dufour as counsel to bring the proceedings against España,¹⁵ and M. M. Reynolds, District Attorney for the state also appeared for the prosecution. Robert Preaux and J. M. Laborde composed the defense counsel. When Reynolds asserted that he would use his great efforts to vindicate the Rey outrage, he was promptly applauded by the audience. Preaux protested at the public display of "strong passion," but Dufour stated that it was not the prosecution or the people who had strong passions, but the defense counsel, and he was wildly applauded by the audience.¹⁶

⁷ *Orleanian*, July 20, 1849; *Daily Delta*, July 17, 1849; *Crescent*, July 20, 1849; *Picayune*, July 21, 1849.

⁸ *Bulletin*, July 23, 1849. See document No. 1852 in the record room of the United States District Court for the Eastern District of Louisiana, at New Orleans.

⁹ See document No. 1852 in the record room of the United States District Court for the Eastern District of Louisiana, at New Orleans. Bright was the Justice of the Peace for the second district of New Orleans. *Picayune*, July 21, 1849. Bright was assisted during the trial by the United States Commissioner for the state of Louisiana, M. M. Cohen. *Bee*, August 16, 1849; *Crescent*, August 15, 1849.

¹⁰ *Orleanian*, July 21, 23, 1849; *Daily Delta*, July 16, 18, 19, 1849; *Weekly Delta*, July 23, 1849.

¹¹ *Courier*, July 25, 1849.

¹² *Bee*, July 20, 21, 1849; *Crescent*, July 27, 1849. The *Bulletin*, July 20, 23, 1849, carried news of the case but took no editorial stand.

¹³ *Picayune*, July 28, 1849; *Bee*, July 28, 1849; *Orleanian*, July 28, 1849; *Bulletin*, July 28, 1849; *Daily Delta*, July 28, 1849.

¹⁴ *Courier*, July 28, 1849.

¹⁵ *Bee*, July 21, 1849.

¹⁶ *Ibid.*, July 28, 1849. See the *Bee*, August 9, for a character analysis of all the attorneys involved in the trial.

A densely crowded courtroom awaited the proceedings of the second day.¹⁷ When the question was raised as to whether the court had jurisdiction over the consul's case, and Reynolds affirmed that it did have such, the audience gave unmistakable indications of approval.¹⁸ When Justice Bright denied a request by Preaux for an adjournment on the ground of illness after a three-hour session in a hot atmosphere, the courtroom burst into loud applause which the court could not restrain.¹⁹ The interest in the trial seemed greater than ever on the third day,²⁰ and long before the appointed time the courtroom was crowded to overflowing.²¹ This public interest did not abate throughout the fourteen sessions of the court,²² and during the final days the excitement of the populace was at fever heat.²³ Frequently during the course of the trial the crowd gave vent to its emotions against the consul,²⁴ and lustily supported the prosecution by loud bursts of applause.²⁵ In one of his speeches Dufour observed that both the press and the people of New Orleans had demanded the trial of the consul.²⁶ The depth and intensity of the feelings of the populace were revealed during the closing speeches. Perry Warfield, of counsel for the prosecution, observed that España's attorney had objected to the numerous cheers for the prosecution throughout the trial. When Warfield referred to the mean system of espionage and trickery carried on by the Spanish consul, warning that the people were not insensible to the insult, the audience broke into a loud burst of approbation.²⁷ J. C. Larue acknowledged that prior to and during the whole course of the trial all New Orleans was convinced of the guilt of España. One who dared to express a doubt of España's guilt was ridiculed by the populace which was in a fever of excitement.²⁸ Laborde confirmed

¹⁷ *Orleanian*, July 29, 1849; *Bee*, July 30, 1849.

¹⁸ *Daily Delta*, July 30, 1849.

¹⁹ *Ibid.*; *Bee*, July 30, 1849.

²⁰ *Bee*, July 31, 1849; *Picayune*, August 1, 1849.

²¹ *Picayune*, July 31, 1849; *Daily Delta*, July 31, 1849; *Weekly Delta*, August 6, 1849.

²² The *Bee* however noticed a perceptible lag in the attendance of the trial during the proceedings of the seventh and eighth days. *Bee*, August 7, 1849. The *Crescent*, August 7, stated that its interest had languished although subsequent events were to force a change in this attitude.

²³ *Bee*, August 15, 1849; *Daily Delta*, August 15, 1849; *Picayune*, August 15, 1849; *Weekly Delta*, August 20, 1849.

²⁴ *Crescent*, August 1, 1849.

²⁵ *Weekly Delta*, August 6, 13, 1849.

²⁶ *Ibid.*, August 13, 1849.

²⁷ *Daily Delta*, August 13, 1849; *Weekly Delta*, August 20, 1849.

²⁸ *Bee*, August 13, 1849; *Crescent*, August 13, 1849. On August 1, Larue had retired from the *Crescent* to defend España although for a short time previously he had been holding a position with that paper while acting as defense attorney. Criticism of his dual role played an important part in his decision to resign from the *Crescent*.

Larue's admission as to the unpopularity of his client, but urged the court to judge the case on its merits and not to be influenced by strong public prejudices.²⁹ The closing speeches were made August 13, and the verdict of Justice Bright and Commissioner Cohen came the next day. While not clearly adjudged guilty of the charges, España was required to post a five-thousand dollar bond to insure his appearance for further examination at the next term of the Circuit Court held in December of the same year at New Orleans.³⁰ As the message was concluded the courtroom made a loud demonstration of approval.³¹ The public was reported to be highly elated over the decision, thinking it very unfavorable to the Spanish consul.³² After the conclusion of the trial there still existed the virtually unanimous opinion that España was guilty.³³

Press opinion throughout the Rey case was, with the exception of the *Crescent*, either lukewarm or hostile to the Spanish consul. The *Courier*, *Delta*, and the *Orleanian* presented a united front against España from the beginning and never ceased to proclaim his guilt.³⁴ The *Courier* urged Rey's immediate return to New Orleans to testify, and strongly pressed the national government to demand Rey's release so that his testimony might be obtained.³⁵ The *Delta* and the *Orleanian* were also quick to call for government interference in the Rey affair.³⁶ During the actual course of the trials, the *Bee*, the *Picayune*, and the *Bulletin* did not assume pronounced editorial policies. The burden of the Spanish consul's defense rested upon the *Crescent*. Both William Walker and J. C. Larue, editors of this paper, were very sympathetic to España,³⁷ and their journal persisted in labeling the charges against him trumped-up and false.³⁸ These unfounded rumors

²⁹ *Bee*, August 13, 1849.

³⁰ See document No. 1852 in the record room of the United States District Court for the Eastern District of Louisiana, at New Orleans. *Daily Delta*, August 15, 1849; *Weekly Delta*, August 20, 1849; *Bee*, August 15, 1849.

³¹ *Daily Delta*, August 15, 1849; *Picayune*, August 15, 1849; *Weekly Delta*, August 20, 1849. See the *Crescent*, August 15, which claimed that only faint applause accompanied the reading of the verdict.

³² *Orleanian*, August 16, 1849; *Picayune*, December 15, 1849. The *Picayune* asserted that nineteen-twentieths of the thinking people of New Orleans approved the decision.

³³ *Courier*, August 15, 21, 1849; *Orleanian*, August 17, 1849; *Crescent*, August 24, 1849; *Picayune*, December 15, 1849.

³⁴ *Courier*, July 30, August 1, 15, 1849; *Orleanian*, August 1, 3, 6, 17, 1849; *Daily Delta*, July 19, August 16, 21, 1849; *Weekly Delta*, August 6, 20, 1849.

³⁵ *Courier*, July 30, 1849. The *Picayune*, July 31, thought this an excellent idea. The *Orleanian*, August 16, did not urge Rey's recall for it thought him already bought by Spanish gold. The *Bee*, August 28, was urging government action to have Rey recalled.

³⁶ *Orleanian*, August 1, 1849; *Daily Delta*, July 17, August 21, 1849; *Weekly Delta*, August 6, 1849.

³⁷ *New Orleans Times*, April 20, 1869.

³⁸ *Crescent*, August 1, 2, 6, 10, 1849.

had gained current belief and had been circulated by the press so that a great excitement had resulted.³⁹ The *Crescent* appealed to the court "not to be overawed by popular clamor, misled by public fervor, or make itself the instrument of a momentary excitement."⁴⁰

Upon the announcement of the verdict those papers which had abstained from sharp comment aligned themselves with the radicals. The *Picayune* was glad that it had called for a legal investigation, and announced that it was satisfied of the consul's duplicity. It charged that España had been acting under orders from the Spanish authorities and that Spain must answer for her unscrupulous conduct before a high tribunal. There must be "indemnity for the past and security for the future."⁴¹ The same paper called for the immediate interference of the national executive.⁴² The *Bee*, while giving full approval to the decision, joined in the call for government action to clear up the case.⁴³ The *Bulletin*, indifferent throughout the whole affair, came out in favor of the abductors,⁴⁴ joining in the demand for Rey's return.⁴⁵

The *Crescent's* position was decidedly unpopular on all sides, and accusations were made that it had accepted money from the consul to defend him.⁴⁶ The expansionist press was satisfied at the verdict,⁴⁷ although the *Courier* regretted the delay, thinking it not in keeping with national dignity to have to wait so long for reparation from Spain. It was believed that the United States should refuse henceforth to treat with España, and that the government should vindicate the outrage done it.⁴⁸ The Rey affair, it was asserted, had naturally raised everywhere the question of the annexation of Cuba to the United States.⁴⁹

The sole paper protesting against the decision was the *Crescent* which thought the verdict was out of keeping with reason.⁵⁰ It

³⁹ *Ibid.*, August 2, 3, 6, 1849.

⁴⁰ *Ibid.*, August 13, 1849.

⁴¹ *Picayune*, August 15, 1849.

⁴² *Ibid.*

⁴³ *Bee*, August 16, 1849.

⁴⁴ *Crescent*, August 23, 1849.

⁴⁵ *Orleanian*, August 22, 1849.

⁴⁶ *Ibid.*, August 20, 1849. The *Bee*, August 25, 1849, disapproved of the *Crescent* sponsoring suspicious causes. Perry Warfield accused certain subsidized newspapers of having campaigned to free España. *Weekly Delta*, August 20, 1849. Warfield's accusation must have been directed at the *Crescent*, since that paper was the only defender of España.

⁴⁷ *Daily Delta*, August 15, 16, 1849; *Orleanian*, August 20, 1849; *Weekly Delta*, August 20, 1849.

⁴⁸ *Courier*, August 15, 1849.

⁴⁹ *Ibid.*, August 17, 1849. The *Bee*, September 1, concluded that the Rey affair would hasten a Cuban expedition although one had been meditated before Rey disappeared.

⁵⁰ *Crescent*, August 15, 1849.

was charged that the Taylor administration wished to capitalize on the Rey crisis, and had let its intention be known to its close friends of the *Picayune*, the *Bee*, and the *Bulletin*. These previously moderate journals had then gone into the camp of the radicals, and were urging government interference.⁵¹ Administrative action over the case was diametrically opposed to the wishes of the *Crescent*.⁵² Press and public sentiment for Rey and against España was attributed to the fact that the people wanted Cuba, and the Rey abduction case furnished a good pretext.⁵³ Cuban annexationist schemes were declared to be entangled in the Rey affair.⁵⁴

For the next two weeks after the termination of the trial the public and press of New Orleans anxiously awaited news from Cuba as to the Rey affair.⁵⁵ The United States government had taken action by this time and Robert Campbell, United States consul to Cuba, visited Rey in the presence of the Captain General of Cuba, El Conde Alcoy, notaries public, and soldiers. At this time Campbell heard Rey absolve the Spanish authorities from blame.⁵⁶ A few days later however he received a letter from Rey stating that his confession was false and made under duress.⁵⁷ These true, but conflicting stories came to New Orleans along with others of a less substantial basis. But by August 25, virtually the entire New Orleans press declared the consul to have been guilty of the abduction charges,⁵⁸ and many journals demanded a firm vindication of national honor regardless of the outcome.⁵⁹ It was admitted by the *Crescent* that its stand was in opposition to "a strong popular feeling," but it hoped that public judgment would ultimately right itself.⁶⁰ The same organ predicted that after a few months New Orleans would realize its mistakes in linking up its honorable Cuban movement with the fate of the despicable Rey. The abduction controversy had obstructed rather than advanced the annexation of Cuba to the United States. If however it were

⁵¹ *Ibid.*, August 23, 1849.

⁵² *Ibid.*, August 6, 1849.

⁵³ *Ibid.*, August 10, 1849.

⁵⁴ *Ibid.*, August 13, 1849.

⁵⁵ *Ibid.*, August 24, 1849; *Picayune*, August 24, 1849; *Bulletin*, August 25, 1849; *Bee*, August 25, 1849.

⁵⁶ *Daily Delta*, August 24, 1849; *Weekly Delta*, August 27, 1849; Caldwell, *Lopez Expeditions*, 52-53.

⁵⁷ *Picayune*, August 25, 1849; *Bee*, August 25, 1849; *Daily Delta*, August 24, 1849.

⁵⁸ *Bulletin*, August 25, 1849; *Bee*, August 25, 1849; *Picayune*, August 25, 1849; *Orleanian*, August 24, 1849; *Courier*, August 25, 1849; *Daily Delta*, August 21, 23, 25, 1849.

⁵⁹ *Picayune*, August 25, 1849; *Orleanian*, August 28, 1849; *Bee*, August 24, 1849; *Daily Delta*, August 21, 28, 1849.

⁶⁰ *Crescent*, August 24, 1849.

proved that American laws had been violated by España and his accomplices, there would be no limit to the resentment of the American people. Unless Spain made an atonement, war would be endorsed by acclamation and "the conquest of Cuba [would] be made a national object."⁶¹

In the interim the administration had taken action and in accordance with the formal demand it made, Spanish authorities surrendered Rey,⁶² and he arrived at New Orleans in the brig *Salvadora* on August 28.⁶³ His unlooked for return produced an excitement which "could not have been greater if a bombshell had fallen and exploded in the midst of one of our thoroughfares. It was quite an event in the history of the times, and became the all-absorbing topic of conversation in every circle."⁶⁴ Shortly after his landing Rey had an interview with Mr. Bradford and Commissioner Cohen at the office of the United States District Attorney. A large crowd congregated outside in the street and appeared "intensely excited." When Rey came out of the building he was promptly cheered by the crowd.⁶⁵ The ex-Havana jailer became the lion of the hour.⁶⁶ However he was bonded for one thousand dollars to insure his appearance as a witness in the December trial of España.⁶⁷ Rey's story, which definitely accused España, was made known that day and it aroused public opinion still further.⁶⁸

Much of the press pronounced in favor of Rey's integrity and honesty in the matter,⁶⁹ and pressed for the prompt conviction and punishment of the Spanish consul and his cohorts. Further they desired the dismissal of El Conde Alcoy, and full apologies and reparations.⁷⁰ Without committing itself the *Bulletin* called

⁶¹ *Ibid.* The *Weekly Delta*, September 3, urged the subordination of the annexationist program to the uniting in demanding satisfaction from Spain over the Rey affair.

⁶² President's Message to Congress, December 27, 1849, in *House Executive Documents*, 31 Cong., 1 Sess., No. 5, p. 5; President Taylor instructed J. M. Clayton, Secretary of State, on August 29, 1849, to enter a formal demand for Rey's return. Clayton Manuscripts, in the Manuscripts Department, Library of Congress, quoted in Caldwell, *Lopez Expeditions*, 53; *Picayune*, September 9, 1849; *Bee*, September 8, 1849; *Orleanian*, August 31, 1849. See the *Crescent*, September 11, which maintained that our government made only an unofficial request for Rey's return.

⁶³ *Bee*, August 29, 1849.

⁶⁴ *Picayune*, August 29, 1849. See also the *Daily Delta*, August 29, 1849; *Weekly Delta*, September 3, 1849; *Bee*, August 29, 1849; *Bulletin*, August 29, 1849.

⁶⁵ *Daily Delta*, August 29, 1849; *Picayune*, August 29, 1849; *Weekly Delta*, September 3, 1849.

⁶⁶ *Bee*, September 1, 1849.

⁶⁷ *Ibid.*, August 29, 1849.

⁶⁸ *Courier*, August 29, 1849; *Daily Delta*, August 29, 1849.

⁶⁹ *Bee*, August 30, 1849.

⁷⁰ *Daily Delta*, August 29, 1849; *Weekly Delta*, September 3, 1849; *Courier*, August 29, 1849; *Picayune*, August 29, 1849. See the *Orleanian*, September 3, which noted that the conservative journals were demanding reparation from Spain. The *Picayune*, October 19, 1849, threatened Captain General Alcoy with punishment for neutrality violations in the Rey affair.

for a fair and full trial.⁷¹ The *Crescent* still protested the innocence of España although it admitted that if he were proven guilty, he must be punished and an apology made to the United States.⁷²

The dénouement of the crisis began to unfold on December 12, when the Grand Jury, after a two-day secret session conducting the España examination, at which Rey himself was heard, quashed the indictment against España on the ground of conflicting evidence.⁷³ However the jury was equally divided on the question of the consul's guilt.⁷⁴ The summary dismissal of the case came as quite a surprise to the public and press,⁷⁵ and many journals, still unalterably convinced of España's complicity,⁷⁶ called for an explanation to be given the public by Logan Hunton, United States District Attorney.⁷⁷ While surprised at the sudden termination of the trial, more conservative journals concluded that the entire Rey affair might be likened to the labors of a mountain bringing forth a mouse.⁷⁸ Naturally the *Crescent* regarded the decision as a triumph for its editorial policy.⁷⁹ España's triumph was but short-lived, for the notorious publicity given the case and the ill-feeling aroused in New Orleans had a not unnatural culmination when on January 4, 1850, Zachary Taylor published his refusal to recognize España as the Spanish consul at New Orleans, and forced him to withdraw.⁸⁰

An irregular enlistment of men in New Orleans for a great unknown expedition was occurring simultaneously with the Rey affair. The destination of this expedition was unknown although, according to speculation, it was bound for California or Mexico.⁸¹ Throughout the town placards and handbills were posted. These

⁷¹ *Bulletin*, August 29, 1849.

⁷² *Crescent*, August 30, September 27, 1849.

⁷³ *Picayune*, December 13, 1849; *Crescent*, December 13, 1849. The *Daily Delta*, December 14, 1849, said that the jury deliberated three days.

⁷⁴ *Daily Delta*, December 13, 1849; *Crescent*, December 14, 1849; *Weekly Delta*, December 17, 1849; *Bulletin*, December 13, 1849. The names, business connections, and votes for and against a "True Bill" against España are listed in the *Orleanian*, December 15, 1849. The names of the jurors are confirmed in the *Weekly Delta*, December 17, 1849.

⁷⁵ *Picayune*, December 15, 1849; *Bee*, December 13, 1849; *Orleanian*, December 15, 1849.

⁷⁶ *Weekly Delta*, December 17, 1849; *True Delta*, December 13, 1849; *Courier*, December 15, 1849. The *Picayune*, December 15, did not abandon its belief in the guilt of the consul, and the *Orleanian*, December 15, clearly affirmed España guilty.

⁷⁷ *Courier*, December 13, 1849; *Orleanian*, December 13, 1849.

⁷⁸ *Bee*, December 13, 15, 1849; *Bulletin*, December 13, 1849.

⁷⁹ *Crescent*, December 13, 1849.

⁸⁰ *Daily Delta*, January 17, 1850; *Picayune*, January 17, 1850. The *Courier*, as early as August 15, 1849, thought that the United States should refuse to treat with España, and it was shortly joined in that stand by the *Daily Delta*, August 30, 1849.

⁸¹ *Orleanian*, July 26, 1849. The *Orleanian*, July 27, doubted if the volunteers knew where they were going.

called for volunteers, each of whom was promised money and land for a service which should be terminated in a year.⁸² Despite this activity, city and state authorities and the press were silent as to the formation and intent of the expedition.⁸³ Meanwhile the volunteers gathered at Round Island, a small island in the Gulf of Mexico, about three miles from Pascagoula, Mississippi.⁸⁴ Although many journals were careful to disclaim any knowledge of the expeditionaries' intent,⁸⁵ they discredited the circulating rumors of an attack on Cuba, and thought that the expedition was probably aimed at some Central American country.⁸⁶ The Round Island expedition was in reality the southern part of a general expedition which was to be directed against Cuba about September 1, 1849. The Round Islanders and another expeditionary force from New York City were to launch simultaneous attacks on Cuba at that time.⁸⁷ The radicals hoped that the landing of a thousand men under General Narciso Lopez would be enough to incite the Cuban population against the hated Spanish tyranny.⁸⁸

In spite of the attempted secrecy the government at Washington became acquainted with the organization and designs of the expeditionaries.⁸⁹ Notwithstanding the feeling that the government would not act in the matter,⁹⁰ Zachary Taylor on August 11, 1849, issued his proclamation directed against military expeditions to Cuba. The president warned that all persons associating themselves with such an expedition were liable to a

⁸² *Ibid.*, August 7, 25, 1849.

⁸³ *Ibid.*, July 31, 1849. The *Picayune*, September 6, 1849, noted that Colonel [G. W.] White was then enlisting men in New Orleans.

⁸⁴ P. Hamilton, United States District Attorney at Mobile, to Clayton, August 4, 1849, in *Sen. Ex. Docs.*, 31 Cong., 1 Sess., No. 57, p. 4.

⁸⁵ *Orleanian*, August 25, 1849. Prior to August 18, 1849, the *Bee* contained no comment on the expedition since it thought the affair a mere rumor. On September 1, the *Bee* noted that the New Orleans press had maintained a discreet silence concerning the Round Island expedition. The *Weekly Delta*, October 8, 1849, denied that it ever knew anything of the preparations against Cuba.

⁸⁶ *Orleanian*, August 25, 1849; *Bee*, August 18, 1849; *Weekly Delta*, August 20, 1849.

⁸⁷ Rose Greenhow, wife of Robert Greenhow, translator to the Department of State, 1828 to 1850, to John C. Calhoun, August 29, 1849, in *Correspondence of John C. Calhoun*, 1203-1204. Mrs. Greenhow wrote the letter because of her husband's illness. For proof of the direct connection between the expeditions of New York and New Orleans, see N. R. Hunter to V. M. Randolph, September 18, 1849, in *Sen. Ex. Docs.* 31 Cong., 1 Sess., No. 57, p. 90.

⁸⁸ John L. O'Sullivan to John C. Calhoun, August 24, 1849, in *Correspondence of John C. Calhoun*, 1202-1203. For information on the early career of Narciso Lopez see chapter III.

⁸⁹ It was unquestionably established that Colonel G. W. White, resident of New Orleans, former Mexican War officer and Yucatan filibuster, was the leader of the expedition at Round Island, and that he and a Captain Driggs had enlisted many men in New Orleans. Somewhat over 550 men were on the island at one time. See P. Hamilton to Clayton, August 4, 1849, in *Sen. Ex. Docs.*, 31 Cong., 1 Sess., No. 57, p. 4; Samuel J. Peters, Collector of New Orleans, to William M. Meredith, Secretary of the Treasury, in *ibid.*, 118-119; Peters to V. M. Randolph, Commander of the United States *Albany*, August 23, 1849, in *ibid.*, 123-124; W. W. Hunter, Dan B. Ridgely, and F. Nowell, officers on board the *Albany*, to William B. Preston, Secretary of the Navy, September 19, 1849, in *ibid.*, 101-104.

⁹⁰ Rose Greenhow to John C. Calhoun in *Correspondence of John C. Calhoun*, 1203-1204; Anderson C. Quisenberry, *Lopez Expeditions to Cuba, 1850 and 1851* (Louisville, Kentucky, 1906), 31.

three thousand dollar fine, and "an imprisonment of not over three years." No person enlisting in such an expedition might expect any interference of the government in his behalf, regardless of his plight after leaving this country.⁹¹ Taylor had based his action upon the Neutrality Act of 1818.⁹²

Taylor's Proclamation encountered a mixed reception from the New Orleans press. The *Picayune* and the *Crescent* made no initial comment.⁹³ The ultra-Democratic journals soon deprecated the issuance of the proclamation. The *Courier* saw in it a typical Whig doctrine of anti-expansion,⁹⁴ and thought Taylor's naming of Cuba as an object of attack would be harmful to the United States when that government sought reparation from Spain over the Rey abduction. It was concluded that the proclamation was "ill-timed" and "impolitic."⁹⁵ The *Delta*, at first accepting the doctrine as a matter of form,⁹⁶ later ridiculed the necessity of such a proclamation.⁹⁷ Some papers however defended Taylor's stand, for the *Bee*,⁹⁸ *Orleanian*,⁹⁹ and the *Bulletin* gave the document their full approval.¹⁰⁰

The proclamation was soon followed by vigorous government action. Commodore V. M. Randolph of the United States *Albany* was dispatched to intercept the expedition on Round Island. After some investigation of conditions on the island, Randolph ordered the men gathered there to disperse at once. All arms, ammunition, and provisions, going into the island were to be cut off although men leaving were to be given aid, provided they did not leave in seagoing vessels.¹⁰¹ Although the order was not immediately com-

⁹¹ James D. Richardson, editor, *A Compilation of the Messages and Papers of the Presidents, 1789-1902*, 10 vols. (Washington, 1903), V, 7.

⁹² The Neutrality Act forbade military expeditions, which contemplated attacks on powers at peace with the United States, from being begun or set on foot in this country. It further empowered the president to employ the army and navy to prevent such illegal expeditions from leaving the United States in vessels. *Revised Statutes of the United States*, second edition (Washington, 1878), 1025-1026.

⁹³ *Picayune*, August 17, 1849; *Crescent*, August 18, 25, 1849.

⁹⁴ *Courier*, August 17, 1849.

⁹⁵ *Ibid.*, August 22, 1849. The *Courier*, September 4, 1849, charged that Taylor's document had been received throughout the South with great indignation.

⁹⁶ *Weekly Delta*, August 20, 1849.

⁹⁷ *Ibid.*, August 27, 1849.

⁹⁸ *Bee*, August 18, September 1, 1849.

⁹⁹ *Orleanian*, August 24, 1849.

¹⁰⁰ *Bulletin*, September 3, 1849.

¹⁰¹ This order was given about August 28, 1849. At that time there were about 550 men on Round Island. Privates and even many officers were said to be in total ignorance of the destination of the expedition. Four-fifths of the men were reported to be foreigners. Randolph to Preston, August 28, 1849, in *Sen. Ex. Docs.*, 31 Cong., 1 Sess., No. 57, pp. 76-79. For the complete governmental correspondence relative to the Round Island expedition, see *Sen. Ex. Docs.*, 31 Cong., 1 Sess., No. 57. *Bee*, September 1, 1849. According to a later statement Randolph affirmed that the supplies were never cut off, but that the threat was issued because of the government's desire. *Weekly Delta*, September 17, 1849; *Picayune*, September 9, 1849.

plied with, resistance was soon made impossible, and the expedition was dispersed around mid-September.¹⁰² Randolph's ultimatum to the Round Islanders aroused a storm of protest from the New Orleans press. It was almost uniformly asserted that the assemblage of men was a peaceful gathering, that no arms or ammunition were on the island,¹⁰³ and that the government was acting only on suspicion when it arbitrarily commanded the expedition to disperse.¹⁰⁴ The order of Randolph was condemned as exceedingly insolent and arrogant,¹⁰⁵ and it was declared that if the actions of Randolph and his assistant, Lieutenant Totten, were made independent of government orders that these naval commanders ought to be punished.¹⁰⁶ The suppression of the expedition was concluded to have been illegal and ill-advised.¹⁰⁷

By virtue of the suppression of the expedition, government authorities had violated certain abstract rights, and were to suffer much criticism for this. The government had thereby denied the doctrine of expatriation which would allow individuals to leave voluntarily their native land to participate in foreign quarrels, whatever their motive.¹⁰⁸ Expansionists argued that the president should have contented himself with a mere declaration against the expeditionaries, allowing them to sail. It was admitted however that, by sailing in such an expedition, these men forfeited the protection of their country.¹⁰⁹ The only journal immediately denying the right of expatriation was the *Bulletin*, which argued that the government was within its legal rights in taking vigorous action against the expeditionaries since the latter were contemplating a violation of our nation's treaty obligations.¹¹⁰ Since

¹⁰² *Crescent*, September 18, 1849; *Courier*, September 18, 1849.

¹⁰³ *Orleanian*, August 30, 1849; *Crescent*, September 3, 1849; *Picayune*, September 4, 1849. General D. E. Twiggs investigated conditions on the island and found no arms there. *Weekly Delta*, September 3, 1849.

¹⁰⁴ *Courier*, August 31, 1849; *Bee*, September 1, 1849; *Weekly Delta*, September 3, 1849; *Crescent*, September 3, 1849.

¹⁰⁵ *Courier*, August 31, September 4, 6, 1849; *Orleanian*, August 30, 1849. The *Picayune*, September 4, thought Randolph's orders "ill-advised" and illegal.

¹⁰⁶ *Orleanian*, August 30, 1849; *Weekly Delta*, September 3, 1849; *Crescent*, September 3, 1849. The *Bee*, September 1, thought that Randolph and Totten had exceeded their orders and hoped that they would be reprimanded.

¹⁰⁷ *Orleanian*, August 30, 1849; *Weekly Delta*, September 3, 1849; *Picayune*, September 4, 1849; *Crescent*, September 5, 1849.

¹⁰⁸ *Crescent*, September 3, 1849; *Bee*, September 1, 1849, would allow the expeditionaries to go in armed groups to Cuba, although it recognized that the volunteers would be putting themselves momentarily outside of the law. The *Weekly Delta*, September 10, claimed that the men might go to Cuba singly or in groups as long as it was not an armed expedition. The *Weekly Delta*, September 17, 1849, reaffirmed the right of expatriation. See Weinberg, *Manifest Destiny*, 116, for an estimate of the popularity and appeal of the doctrine of expatriation.

¹⁰⁹ *Picayune*, September 4, 1849; *Weekly Delta*, September 3, 17, 1849, believed that the proclamation should have sufficed, and that no direct action should have been taken. The *Courier*, September 11, 1849, argued that Taylor should have closed his eyes to the expedition since it was intended to liberate Cuba from the oppressive yoke of Spain.

¹¹⁰ *Bulletin*, September 3, 1849.

Round Island was within the state of Mississippi, and the authorities had blockaded this island to break up the expedition, the government was portrayed as having invaded the sovereign territory of a state, thus violating state's rights. The right of the Federal Government to lay a blockade on the coast of a state was proclaimed a "hideous principle."¹¹¹ The state of Mississippi was urged to contest the right of Federal officers to enter its domain and make aggressions.¹¹² Although the *Crescent* abandoned its objection to government action a short time later,¹¹³ the *Delta* continued for a long period to urge Mississippi senators to bring the question before the United States Senate,¹¹⁴ and avenge the sovereignty of Mississippi.¹¹⁵

But the dispersion of the expedition assumed broader aspects than mere quibbling over the abstract rights of individuals and states. The press candidly discussed the suppression of the expedition as a *fait accompli* and many journals expressed pronounced editorial opinions. The *Delta* and the *Courier* were again the most outspoken critics of government intervention. It was asserted that amidst the general joy prevailing at New Orleans at the news of the Cuban revolution which had broken out in the latter part of August,¹¹⁶ it would be a source of mortification for Americans to know that the suppression of the Round Island expedition was exceedingly harmful to the Cuban cause.¹¹⁷ The *Courier* charged that certain Whig journals at first supported Taylor's Proclamation, and the suppression of the Round Islanders, but that their position had veered after perceiving that public opinion was sympathetic toward the expeditionaries. Not daring to attack the president, the Whig press was placing the blame upon naval authorities whom they claimed had exceeded their authority.¹¹⁸ It was alleged that most press opinion had condemned the suppression of the expedition,¹¹⁹ and that Taylor had added to his unpopularity as a result of it.¹²⁰ By mid-September it was conceded that the Round Island venture was dead, but its advocates affirmed

¹¹¹ *Crescent*, September 4, 1849; *Weekly Delta*, September 3, 10, 1849.

¹¹² *Daily Delta*, September 5, 6, 1849; *Weekly Delta*, September 10, 1849.

¹¹³ *Crescent*, September 17, 1849.

¹¹⁴ *Daily Delta*, January 14, 21, 1850.

¹¹⁵ *Weekly Delta*, January 21, 1850.

¹¹⁶ *Ibid.*, September 10, 1849; *Picayune*, September 3, 1849; *Orleanian*, September 3, 1849. The *Bee*, September 5, 1849, reminded its readers that it had predicted the Rey affair would precipitate a Cuban uprising.

¹¹⁷ *Weekly Delta*, September 3, 10, 1849.

¹¹⁸ *Courier*, September 1, 1849.

¹¹⁹ *Ibid.*

¹²⁰ *Ibid.*, September 11, 1849.

that other and better prepared expeditions to Cuba would come later,¹²¹ and that Cuba would yet be free.¹²² The sympathy of the people was declared to have been with the expeditionaries,¹²³ and the *Crescent* concluded that the whole undertaking would have been successful had New Orleans alone been depended upon for furnishing the men and means to attack Cuba.¹²⁴ The opposition to the radical press was unorganized. The *Orleanian*, prior to this time a strong sympathizer with the Cuban movement, made a complete and sudden reversal of policy, and declared its approval of Taylor's courage in suppressing the expedition of conquest.¹²⁵ The *Bulletin* disapproved of the questionable morality of forcing a change of government upon a people, and was willing to see the movement dispersed.¹²⁶ The *Bee* remained quiet throughout the crisis, but months later noted that as a result of the prompt and vigorous action of the executive, the first expedition aimed at Cuba resulted in a "splendid failure."¹²⁷

Thus from July to December, 1849, the Cuban question in one form or another had been given considerable attention by the populace of New Orleans. The Garcia Rey abduction had been quickly seized upon by the radical press which hoped to make the affair loom as a national insult to the United States in order that, in a consideration of the reparation due America from Spain, the transfer of Cuba to the United States could be consummated. This radical press frequently during the Rey crisis included practically all the journals of New Orleans. The *Crescent* alone remained opposed to the affair being vigorously handled by the national government. However, this paper was careful to point out that it favored Cuban annexation, but that it regretted the Rey-Cuban association since this policy retarded rather than aided the annexation of Cuba. It was conceded by all that virtually the entire city was convinced of the guilt of España in the abduction, and the populace was not hesitant to display its bitter animosity toward the consul and his Spanish associates for their underhanded methods. It was perceived that España's espionage system, as well as his abduction of Rey, had been ordered by the Spanish govern-

¹²¹ *Crescent*, September 18, 1849; *Courier*, September 18, 1849.

¹²² *Courier*, September 18, 1849; *Daily Delta*, December 19, 1849.

¹²³ *Daily Delta*, December 19, 1849.

¹²⁴ *Crescent*, October 2, 1849.

¹²⁵ *Orleanian*, September 13, 1849. The suddenness of this editorial change is made evident when it is perceived that as late as September 5, the *Orleanian* expressed the wish that the Round Islanders were in Cuba aiding in a struggle for freedom.

¹²⁶ *Bulletin*, September 11, 1849.

¹²⁷ *Bee*, May 4, 1850.

ment, and this aggravated the anti-Spanish feeling in the city. The exceedingly keen resentment to Spain's representative at New Orleans, and the notorious publicity given the affair eventually culminated when President Taylor early in January, 1850, forced España to withdraw from his official post. Meanwhile an unknown expedition of men was being developed in and around New Orleans. As time passed it became the current rumor that this Round Island expedition, which was probably hastened as a result of the animosity toward Spain over the Rey affair, had for its object an attack on Cuba. The government thought that it had definite proof of the Round Island group's military nature and intent, and by moving quickly it completely suppressed the abortive attempt. This act aroused a storm of protest from the New Orleans press which thought that the expedition should have been permitted to sail, since it had intended to liberate the oppressed Cubans. It was further asserted that the expeditionaries had the sympathy of the populace of New Orleans. The warning note was sounded when it was declared that better prepared expeditions to Cuba would come later, and that Cuba would yet be free. Although the Round Island expedition was dead, the demand for the conquest of Cuba and subsequent annexation to the United States was but latent.

CHAPTER III

THE CARDENAS EXPEDITION

"The Lopez expeditions were due in a very slight degree to Cuban enterprise; they were in essence—and in their execution—a Southern movement for the annexation of the island, and would probably have occurred had Lopez never existed. . . ." L. M. Perez, "Lopez Expeditions to Cuba, 1850-51, Betrayal of the Cleopatra, 1851." *Publications of the Southern History Association*, X (Washington, 1906), 345-362.

The utter failure of the Cuban filibustering activities in the East convinced Lopez that he ought to shift the base of his operations to the Lower Mississippi Valley region,¹ and early in 1850 he abandoned Washington City and by April he and three or four fellow Cubans were attempting to organize a Cuban expedition

¹ Caldwell, *Lopez Expeditions*, 58.

in and around New Orleans.² Lopez and his small band of compatriots encountered a warm reception at the Crescent City which was probably still embittered over the events of 1849. Many Americans there proved themselves invaluable in aiding Lopez to organize, equip, and launch an expedition against Cuba.³ This attack however was to be repulsed at Cardenas, Cuba, after a temporary triumph there. Lopez with a few hundred of his followers escaped and returned to the United States, but a considerable portion of his command was captured. The long detention and potential punishment of these men heightened the ill-will of Americans toward Spain, and furnished the basis for further diplomatic friction with that power.⁴

Narciso Lopez, chief figure of the Cuban drama of 1849-51, was born about 1798 in Venezuela.⁵ In his manhood Lopez had an imposing appearance, a sturdy physique, an affable personality,⁶ and was a great favorite with soldiers.⁷ He had served as a commissioned officer in the Spanish army, and as governor of Madrid and Trinidad. Because he allowed his liberal tendencies to become manifest, he had lost wealth and influence after 1843 and, becoming bitter against the reactionary government, he planned a revolution in Cuba in June, 1848. It proved to be an abortive attempt and he was immediately forced to flee to the United States. He arrived at New York City and almost immediately joined a small Cuban Junta which was attempting to raise money and men in this country in order to liberate Cuba from Spanish oppression. After the fiasco of 1849 Lopez decided to abandon New York and

² The precise date of Lopez's first arrival in New Orleans could not be determined. The New Orleans press was silent upon this point. According to testimony given by Lopez's American benefactors at his trial in New Orleans in June, 1850, L. J. Sigur thought that Lopez arrived about March 15, whereas John Henderson spoke of a first interview with Lopez near New Orleans about May 1. See the *Crescent*, June 11, 13, 1850; *Daily Delta*, June 11, 1850; *Courier*, June 10, 11, 1850; *Picayune*, June 11, 1850. According to the testimony of Ambrosia J. Gonzales, Lopez's lieutenant, Lopez was at Vicksburg, Mississippi, the first part of April. *Daily Delta*, January 14, 1851.

³ For two years Lopez lived at the home of L. J. Sigur in New Orleans. Sigur was the joint proprietor of the *Daily Delta* and a former state District Attorney. *Daily Delta*, September 22, 1858. Sigur was to contribute about \$80,000 of his personal fortune to aid the Cuban expeditions. *Daily Delta*, September 21, 1858. John Henderson, ex-Mexican war officer, Chatham R. Wheat, a member of the New Orleans bar, and G. W. White, adventurer and newspaper man, were other citizens who proved exceedingly helpful to Lopez. It was asserted that New Orleans furnished about four hundred men for Lopez's Cardenas expedition. *True Delta*, May 7, 1850.

⁴ For the diplomatic correspondence relative to these captured filibusters, see *Sen. Ex. Docs.*, 31 Cong., 2 Sess., No. 41.

⁵ Caldwell, *Lopez Expeditions*, 43.

⁶ Lieutenant Richardson Hardy, *The History and Adventures of the Cuban Expedition, from the First Movements down to the Dispersion of the Army at Key West and the Arrest of General Lopez*, Also: *An Account of the Ten Deserters at Isla de Mujeres* (Cincinnati, 1850), 79; O. D. D. O., *The History of the Late Expedition to Cuba, with an Appendix Containing the Last Speech of the Celebrated Orator, S. S. Prentiss, in Defence of Gen. Lopez* (New Orleans, 1850), 27; *Ibid.*, June 8, 1850.

⁷ Louis Schlesinger, "Personal Narrative of Louis Schlesinger, of Adventures in Cuba and Penta," *Democratic Review*, XXXI (1852), 210.

Washington as the center of filibustering activity. He and a few companions proceeded by easy stages to the Mississippi Delta via the Ohio and Upper Mississippi Valley regions. Along the route Lopez paused to confer with a few Americans, notably Lieutenant Richardson Hardy at Cincinnati, and John A. Quitman, Governor of Mississippi, at Jackson, on the prospect of American aid to Cuba. Hardy then proceeded to raise a volunteer filibustering company of Kentuckians. Although Quitman refused the command of the expedition offered him by Lopez, he remained strongly sympathetic to the Cuban idea and helpful to the Lopez expeditionaries.⁸

The dominating characteristic about the preparation for and participation in the Cardenas expedition was its American stamp and cast. Filibustering activities for the expedition apparently began in and around New Orleans about April 1.⁹ Spanish agents were on the alert and notified the national government of suspicious military activity in New Orleans on April 2, and thereafter for the next month.¹⁰ On April 11, a few hundred filibusters from Kentucky landed near New Orleans and were lodged near Lafayette.¹¹ Some means had to be found to equip and transport these men, as well as others who were then enlisting in New Orleans and Louisiana. It was in meeting these problems that John Henderson and L. J. Sigur proved themselves the main-springs of the venture. The idea of raising money by the sale of Cuban bonds originated after Ambrosia J. Gonzales saw Henderson at New Orleans. One or two million dollars worth of bonds were printed there and turned over to Henderson who proceeded to sell four or five hundred thousand dollars worth at ten cents on the dollar. In this wise forty or fifty thousand dollars was raised to equip the expedition. Henderson himself bought ten or fifteen thousand dollars worth of the bonds. The bonds, redeemable in the name of the Republic of Cuba and signed by Lopez,¹² furnished

⁸ *Weekly Delta*, August 4, 1851; Caldwell, *Lopez Expeditions*, 43 et seq.; John F. Claiborne, *Life and Correspondence of John A. Quitman*, 2 vols. (New York, 1860), II, 55-57, 383-385. For a report on the organization and activity of the Cuban Junta in New York and Washington, see A. Calderon de la Barca, Spanish minister at Washington, to Clayton, January 19, 1850, in *Sen. Ex. Docs.*, 31 Cong., 1 Sess., No. 57, pp. 19-20. Probably the best volume on Lopez's early life is that of Herminio Portell Vilá, *Narciso Lopez y Su Epoca*, I (La Habana, 1930). Also consult articles in the *Daily Delta*, May 10, 11, 1850, for material on Lopez's early life.

⁹ According to Gonzales' testimony at the Cuba State Trials, he contacted Henderson for the first time about this date. *Daily Delta*, January 14, 1851.

¹⁰ Calderon to Clayton, May 8, 1850, in *Sen. Ex. Docs.*, 31 Cong., 1 Sess., No. 57, p. 24.

¹¹ Hardy, *The Cuban Expedition*, 9-11; Caldwell, *Lopez Expeditions*, 59.

¹² Testimony of Gonzales at the Cuba State Trials. *Weekly Delta*, January 20, 1851; *Crescent*, January 13, 1851; *Bulletin*, January 13, 1851.

the entire source of funds for the expedition.¹³ The sale of these bonds gave rise to serious charges against speculators who were accused of having invested ten cents on the dollar in the hope that a successful Cuban expedition would bring tremendous profits to them.¹⁴ Henderson, with the proceeds from the sale, approached Robert Geddes, joint owner of the ship, the *Creole*, and purchased the vessel for \$16,000. The *Creole* was then made available to carry a part of the expeditionaries to Cuba.¹⁵ Arms and ammunition for the filibusters were obtained through the efforts of L. J. Sigur. He approached Major Louis Gally on May 1 and requested eight or ten thousand cartridges, but only a few of these were ever delivered.¹⁶ Sigur also contacted Donátien Augustin, commander of the Louisiana Legion, and succeeded in having the latter order a quantity of arms on April 23 from C. N. Rowley, commander of the Louisiana State arsenal.¹⁷ Sigur posted a \$7,500 bond as surety for the arms and the bond was delivered to Rowley.¹⁸ The bond was to be cancelled if the arms were later returned intact, but otherwise it would be collectible.¹⁹ In some mysterious way then the arms of the State of Louisiana were supplied the filibusters and served them in the Cardenas attack. Yet in spite of this unquestioned fact the responsibility for this action could not be directly attributed to any particular state official.²⁰

¹³ Gonzales' testimony. *Crescent*, January 13, 1851. Judah P. Benjamin, counsel for the prosecution in the Cuba State Trials, charged that Cubans had not contributed a dollar toward the outfitting of the Cardenas expedition, but that the sale of Cuban bonds had supplied the sole source of revenue. *Crescent*, January 14, 1851.

¹⁴ Benjamin's speech at the trials. *Crescent*, January 14, 1851; James F. Rhodes, *History of the United States (from the Compromise of 1850 to the End of the Roosevelt Administration)*, 9 vols., new edition (New York, 1928), I, 216-217. The *True Delta*, June 23, 1850, observed that current rumor had it that a few of the organizers of the Cardenas expedition had reaped thousands of dollars worth of profit from the sale of Cuban bonds since \$80,000 had been collected and only half that much spent on the expedition.

¹⁵ Of this sum \$10,000 was paid in cash and a personal note was given for the rest. The transaction was conducted in the name of William H. White, and the purchased vessel was registered in his name. Testimony of Robert Geddes in the Cuba trials. *Crescent*, January 13, 1851; *Bulletin*, January 13, 1851; *Daily Delta*, January 12, 1851. Geddes' testimony was confirmed by Henderson himself. *Crescent*, January 13, 1851.

¹⁶ Testimony of Louis Gally at Lopez's trial. *Weekly Delta*, June 17, 1850; *True Delta*, June 16, 1850; *Bee*, June 17, 1850. Gally was the commander of the Battalion of Artillery of the Louisiana militia. *Cohen's New Orleans and Lafayette Directory* (New Orleans, 1851), 216.

¹⁷ According to Rowley's official requisition which was read in court, 398 muskets, 46 percussion pistols, 16 flint pistols, and 60 cavalry sabres were ordered and delivered. Rowley certified that this was correct and true. *True Delta*, June 18, 1850.

¹⁸ The following names and sums posted for forfeit on L. J. Sigur's arms bond were as follows: William Monaghan, \$500; Theo. O. Stark, \$1,000; Albert Fabre, \$500; John M. Bell, \$1,000; John Henderson, \$500; Theo. S. Sigur, \$2,500; and A. Baudoin, \$1,500. *Bee*, June 18, 1850; *True Delta*, June 18, 1850; *Courier*, June 17, 1850. At least five of these men were residents of New Orleans. A. A. Baudoin and John Bell were commission merchants; Albert Fabre, the superintendent of public schools; Theodore Stark, a notary public; and William Monaghan, a general agent for military claims in the city. See *Cohen's New Orleans City Directory*, 1850, 1851.

¹⁹ *True Delta*, June 18, 1850.

²⁰ The testimony given at Lopez's trial was too vague to prove an open case against any individual. Augustin in particular gave much conflicting testimony, and refused to answer some questions on the ground that it might incriminate him. *True Delta*, June 16, 1850; *Bee*, June 17, 1850; *Weekly Delta*, June 17, 1850.

As the testimony in this regard was given in June, 1850, at Lopez's trial for neutrality violations, the New Orleans press was unanimous in acknowledging that the evidence established conclusively that the filibusters had procured state arms for their venture,²¹ and some journals charged that high state officials were implicated in the plot.²²

Meanwhile the first of the expeditionaries was ready to sail from New Orleans for Chagres, Panama, where they would wait for the rest of the command. A few days before sailing the Kentucky filibusters insisted on marching in an orderly fashion through the streets of New Orleans, thus attracting the attention of the Spanish consul. It was asserted however that this notoriety did the expedition no harm, "for our object and destination was then as well known in New Orleans as it could be. We had been the subject of several newspaper notices, and the Cuba expedition was the bar-room conversation all over the city."²³ On April 25, Colonel J. W. Breedlove gave 225 filibusters tickets to Chagres, and that evening they sailed from Lafayette. A large crowd congregated there helped shove the barque *Georgiana* from the dock and gave the departing men three cheers. Lopez, Gonzales, and Henderson were the last to remain at the dock waving adieus.²⁴ On April 30, Lopez in company of several associates swore before a notary public to pay to each Cuban volunteer within five years two thousand dollars at six per cent interest. The public property of Cuba was pledged as security.²⁵ In the meantime Colonel C. R. Wheat was gathering a troop of about 160 Louisianians which sailed on the *Susan Loud*, May 2, 1850.²⁶ Lopez, Gonzales and their command were the last to leave. About 350 half-kegs of powder stored by Charles and Harris at the United States arsenal were ordered removed to the levee the night before the expedition left and the kegs were picked up by the filibusters.²⁷ About 650 men,

²¹ *True Delta*, June 18, 1850; *Bulletin*, June 17, 18, 1850; *Orleanian*, June 19, 1850.

²² *True Delta*, June 18, 1850; *Orleanian*, June 19, 1850. According to Gonzales' testimony fifty rifles were also procured directly from a state official in Mississippi. *Weekly Delta*, January 20, 1851.

²³ Hardy, *The Cuban Expedition*, 11-12, 17. Spanish agents in New Orleans were also aware of other filibustering activity. Calderon to Clayton, May 8, 1850, in *Sen. Ex. Docs.*, 31 Cong., 1 Sess., No. 57, p. 24.

²⁴ Hardy, *The Cuban Expedition*, 16. Breedlove was accused by Spanish agents of secretly working with the filibusters. Calderon to Clayton, May 8, 1850, in *Sen. Ex. Docs.*, 31 Cong., 1 Sess., No. 57, p. 24.

²⁵ Cotesworth Pinckney Smith, state official of Mississippi, was the only American present. *Sen. Ex. Docs.*, 32 Cong., 1 Sess., No. 1, p. 28.

²⁶ Caldwell, *Lopez Expeditions*, 61. Colonel Wheat was a member of the New Orleans bar. *Daily Delta*, May 23, 1850; *Bee*, May 24, 1850. The personnel of the Second Regiment from Louisiana was given in the *Daily Delta*, May 23, 1850.

²⁷ Testimony of F. Garrigues, keeper of the powder magazine at the United States arsenal, at Lopez's trial. *Picayune*, June 18, 1850; *Daily Delta*, June 18, 1850.

presumably bound for California by way of Chagres, left New Orleans May 7 on the *Creole*.²⁸ During the night boxes of arms were taken aboard the vessel somewhere between New Orleans and the mouth of the Mississippi River.²⁹ This bit of strategy was resorted to so that the filibusters might evade government prosecution under the Neutrality Law of 1818 by the shadowy claim that in leaving the United States they had not constituted an armed or a military expedition.³⁰

The successful launching of the expedition gave rise to many serious charges against state and federal officers in New Orleans. Although a few journals acknowledged that the expedition had been surrounded by secrecy,³¹ many newspapers very strongly declared that both federal and state officials in the city knew all the facts of the openly prepared venture and that they had looked on in silence, and some in "winking encouragement."³² Secretary of State Clayton was called upon to conduct a rigid investigation to determine which federal officers had aided the Cuban party.³³ Meanwhile the United States District Attorney at New Orleans, Logan Hunton, had defended himself and other federal officials there by writing to Clayton that, although he was certain that many individuals bound indirectly for Cuba had left the city, no overt act had been committed by them which would justify the intervention of the government.³⁴

²⁸ Samuel J. Douglas, Collector at Key West, to Zachary Taylor, May 22, 1850, in *Sen. Ex. Docs.*, 31 Cong., 1 Sess., No. 57, p. 43; William L. Hodge, New Orleans, to Taylor, May 7, 1850, in *ibid.*, p. 50; *Daily Delta*, January 14, 1851. Chagres, Panama, was then ideally situated for easy access to either California or Cuba. Cuban bound expeditionaries via Chagres could pose as immigrants to California and thus avert much suspicion from themselves. To note the importance of Chagres in that day see *The Encyclopaedia Britannica* (New York, 1929), V, 188.

²⁹ See the testimony given in the Cuba State Trials by the volunteer filibusters. *Crescent*, January 11, 1851; *Daily Delta*, January 11, 12, 13, 1851; *Weekly Delta*, January 13, 1851; *Bulletin*, January 13, 1851.

³⁰ This was to be the crux of the defense of the filibusters throughout the Cuba State Trials. For the classic examples of this argumentation by those sympathetic with the expeditionaries see J. D. B. De Bow, "The Late Cuba Expedition," *De Bow's Review*, IX (1850), 172; "The Neutrality Law: What Does It Mean, What Prohibit, and What Permit?" *Democratic Review*, XXX (1851), 505, 507-508; "Late Cuba State Trials," *Democratic Review*, XXX, 310-312; *Weekly Delta*, June 10, 1850. Also consult the *Crescent*, May 15, 1850, on the lack of military organization of the Cardenas expedition when leaving the United States. For a refutation of this argument see the *Bulletin*, June 8, 1850.

³¹ *Bee*, May 14, 24, 1850; *Bulletin*, May 13, 1850; *Crescent*, July 2, 1850.

³² *Daily Delta*, June 30, July 2, 1850, January 14, 1851; *Weekly Delta*, July 8, 1850. See also the *Courier*, June 6, 18, 1850; *True Delta*, June 18, 21, 22, 1850. The *Delta* alleged that the Cuba expedition was the topic of conversation of many barrooms and other public places, and that federal authorities were cognizant of all filibustering preparations being made. *Daily Delta*, June 30, 1850. It was also asserted that Hunton's inactivity was the sole reason why the expedition was able to get under way. *Daily Delta*, July 2, 1850; *Weekly Delta*, July 8, 1850. The *Bee*, May 28, 1850, thought that the government was not unfriendly to the expedition, and believed that this accounted for the fact that the government took no notice of the venture for a long time after the press was full of news concerning it. See the *Crescent*, July 1, 2, 1850, which expressly denied that federal or state authorities knew anything of the expedition.

³³ *True Delta*, June 18, 21, 1850; *Bulletin*, June 26, 1850.

³⁴ Hunton to Clayton, May 14, 1850, in *Sen. Ex. Docs.*, 31 Cong., 1 Sess., No. 57, p. 25. This letter was also to be used by the filibusters in their defense in the trials. "Late Cuba State Trials," *Democratic Review*, XXX, 313; *Weekly Delta*, July 1, 1850.

In spite of governmental orders to prevent the filibusters from landing at Cuba,³⁵ the *Creole* landed at Cardenas, Cuba, on May 19. After a temporary victory there the filibusters abandoned Cuba because the Cuban populace had not flocked to their standard as it was believed they would. The *Creole* then made for and successfully reached Key West with the Spanish in hot pursuit. There the vessel was seized by customs officials in behalf of the Neutrality Law, but the 600 expeditionaries were unmolested and allowed to return to the United States.³⁶ Prior to the descent on Cuba, about a hundred men had refused to participate in the attack, and were presumably returning to the United States in the *Georgiana* and the *Susan Loud* when they were captured by the Spanish at the island of Contoy off Mexican Yucatan.³⁷ Thus the Cardenas expedition had not only resulted in a complete failure, but a large portion of the command was in the hands of the enemy.

Press opinion in New Orleans concerning the Cardenas venture fell into two divisions with the final news on the reëmbarkation of Lopez for the United States furnishing the dividing line. From the first the opposition to the scheme was led by the *True Delta* which stoutly maintained that an expedition of less than five thousand men would be one of the most insane and Quixotic undertakings of the age.³⁸ The *Bee* soon echoed this idea and predicted gloomy disaster for the attempt.³⁹ It was declared by some news organs that the expedition was an unlawful undertaking,⁴⁰ and that it was one of questionable morality since it was invading the territory of a friendly power,⁴¹ attempting to force a different government upon a people who had manifested no desire for it.⁴² It was not long before this opposition was virtually dissipated. The *Bulletin*, although reaffirming its disapproval of

³⁵ Preston, Naval Department, to Tattnal, Commander of the United States *Saranac*, May 15, 1850; in *Sen. Ex. Docs.*, 31 Cong., 1 Sess., No. 57, p. 54; Preston to F. A. Parker, Commander of the Home Squadron, May 15, 1850; in *ibid.*, p. 56.

³⁶ W. R. Hackley, United States District Attorney, Southern District of Florida, to the Solicitor of the Treasury at Washington, May 22, 1850, in *ibid.*, p. 48; Calderon to Clayton, May 31, 1850, in *ibid.*, No. 41, p. 41; Caldwell, *Lopez Expeditions*, 74; Samuel J. Douglas, Collector at Key West, to President Taylor, May 22, 1850, in *ibid.*, No. 57, p. 43.

³⁷ The island of Contoy was also under the jurisdiction of Mexico. Robert B. Campbell, United States Consul at Havana, to Clayton, May 22, 1850, in *Sen. Ex. Docs.*, 31 Cong., 1 Sess., No. 57, p. 36; D. M. Barringer, legation of the United States at Madrid, to the Marquis Pidal, Minister of State, August 27, 1850, in *ibid.*, No. 41, p. 14. For the Spanish report on the captured filibusters see Calderon to Clayton, June 28, 1850, in *ibid.*, pp. 56-57. Also see the *Daily Delta*, June 1, 1850.

³⁸ *True Delta*, April 18, May 5, 1850. Even some friends of the expedition were to concede this point after the failure of the expedition. J. D. B. De Bow, "The Late Cuba Expedition," *loc. cit.*, IX, 169.

³⁹ *Bee*, May 4, 1850.

⁴⁰ *Bulletin*, May 20, 1850; *Orleanian*, May 11, 14, 18, 1850.

⁴¹ *Bulletin*, May 20, 1850; *Bee*, May 4, 1850.

⁴² *Bulletin*, May 20, 1850; *Orleanian*, May 16, 18, 1850.

the expedition, avowed that it took a "deep interest" in the gallant band. It was predicted that if these men were successful, they would be joined by thousands of others from the United States,⁴³ and, after a nominal Cuban independence, Cuba would be annexed to the Union.⁴⁴ The *Orleanian*, a bitter foe of the Cardenas venture as long as its editorials were written by the French editor,⁴⁵ assumed a sudden reversal of policy upon the return of the English editor to the affairs of the paper. It then highly praised the expeditionaries and fervently wished for their success in Cuba.⁴⁶ The *Bee* was also to veer sharply to the left. It noted that the Cuban attempt was widely supported by "many men of note," that it was a liberating expedition, and not an invading force, and that the movement found favor with most Americans because it promised further acquisition of territory. "Our administration will disown all participation in it [the Cuban expedition] as a matter of right, justice and good faith; but the design appeals with almost irresistible power to the great heart of the nation, and enlists the interest of the masses."⁴⁷ The *True Delta* was virtually left alone in continually opposing the expedition.⁴⁸

The most ardent champions of the expedition were the *Daily Delta* and the *Courier*. Until the expedition was under way the *Delta* persistently denied that any attack on Cuba was being contemplated, and declared that there was an entire absence of preparations for such in New Orleans.⁴⁹ Once the expeditionaries were under way, however, the *Delta* praised them all highly, especially Lopez.⁵⁰ In its intense zeal over the Cuban venture the *Delta* hung from its window a Cuban flag. This emblem, declared to have been made by some ladies of New Orleans, was to remain in the window of this paper for several weeks.⁵¹ The *Courier* defended the filibusters as a liberating party,⁵² and wished them

⁴³ *Bulletin*, May 20, 1850; *Bee*, May 24, 1850, and the *Daily Delta*, May 11, 1850, asserted that thousands of Americans would rush to Cuba as soon as Cubans struck the blow for independence in a determined manner.

⁴⁴ *Bulletin*, May 17, 1850.

⁴⁵ *Orleanian*, May 11, 14, 16, 1850.

⁴⁶ *Ibid.*, May 18, 21, 1850.

⁴⁷ *Bee*, May 14, 1850.

⁴⁸ *True Delta*, May 28, 1850. This paper on May 25, 1850, asserted that the ill-feeling of the Spanish over the Cardenas expedition had retarded the peaceful annexation of Cuba.

⁴⁹ *Daily Delta*, March 29, April 25, 1850; *Weekly Delta*, April 29, 1850.

⁵⁰ *Daily Delta*, May 10, 17, 24, 26, 27, 1850.

⁵¹ *Daily Delta*, May 26, 1850. In response to a threatening letter from "Muchos Espanoles" concerning the lowering of the flag, the *Daily Delta*, May 29, 1850, announced that its office force would vigorously defend the Cuban emblem. When the flag was finally lowered on July 9, 1850, it was publicly saluted by the Washington company of artillery by the firing of thirty-one guns in Lafayette square. Calderon to Webster, July 26, 1850, in *Sen. Ex. Docs.*, 31 Cong., 2 Sess., No. 41, p. 63; *Daily Delta*, July 10, 1850. The *Delta* on this date promised to save the Cuban flag until Cuba was free, at which time it would fly it again.

⁵² *Courier*, May 11, 14, 1850.

the best of luck in their campaign.⁵³ This same sentiment was also manifested by the *Crescent*,⁵⁴ and the *Picayune*.⁵⁵ After the expedition had gotten under way and before the news reached New Orleans of its disastrous repulse at Cardenas, press opinion there was almost uniformly in favor of the filibusters and their aims.

Once the attacking party had left New Orleans, the city tensely awaited news of the result. From May 13 to May 28, when final reports began to come to the city, the anxiety continually grew until the Cuban question was thought to have absorbed all the populace, and New Orleans was frightened from its propriety.⁵⁶

When word was received of the complete dispersion of the expedition, the New Orleans press almost unanimously conceded that the venture had ended in a deplorable and mortifying failure.⁵⁷ Some journals seriously questioned the advisability of future expeditions to Cuba.⁵⁸ The radicals charged that opponents of the attempt were happy over its failure. Prior to the final news they, the ultra-conservatives, had concealed their sentiments to conform with public opinion, but with the failure at Cardenas the anti-expansionists displayed their elation.⁵⁹

Serious charges against the leaders of the Cardenas expedition grew out of the affair. It was alleged that the volunteers were deceived by their leaders into thinking that the Creoles of Cuba desired freedom from Spain when they did not.⁶⁰ Lopez was severely criticized because in abandoning Cardenas, he had left many captured filibusters behind.⁶¹ As a result of this Lopez's character suffered many aspersions.⁶² However when fuller reports coming to New Orleans all confirmed Lopez's bravery and military talent, the Cuban general regained much prestige with the

⁵³ *Ibid.*, May 14, 1850. The *Courier*, May 10, 1850, declared for quick annexation in the event of success.

⁵⁴ *Crescent*, May 15, 1850.

⁵⁵ *Picayune*, May 23, 1850.

⁵⁶ Consult the *Courier*, May 13, 16, 25, 1850; *Bulletin*, May 20, 22, 28, 1850; *Picayune*, May 23, 1850; *True Delta*, May 26, 1850; *Bee*, May 24, 25, 1850.

⁵⁷ *Orleanian*, May 29, 1850; *Picayune*, May 29, 1850; *Crescent*, May 28, 1850; *Bulletin*, May 29, 1850; *Courier*, May 28, 1850.

⁵⁸ *Courier*, June 4, 1850; *Bee*, May 29, 1850; *Bulletin*, May 30, 1850. The *Courier*, June 5, 1850, contrary to all its previous policy, claimed that it was glad that other expeditions over the country had been dispersed.

⁵⁹ *Courier*, May 29, 1850.

⁶⁰ *Bulletin*, May 30, 31, 1850; *Courier*, May 30, 1850; *Orleanian*, May 29, 1850.

⁶¹ *Courier*, May 29, 1850; *Bulletin*, May 27, 28, 29, 1850. On the other hand some journals lauded the filibusters withdrawing from Cardenas after they perceived that the Creole population would not aid them. *True Delta*, May 29, 1850; *Orleanian*, May 30, 1850.

⁶² *True Delta*, May 31, 1850; *Courier*, May 28, 1850; *Bulletin*, May 27, 1850.

press.⁶³ In the subsequent reaction many journals defended the patriotic and unselfish motives of the expeditionaries,⁶⁴ and the *Delta* even championed the legality and conduct of the affair.⁶⁵

A sharp editorial conflict also ensued over the orders that Taylor gave to the commanders of the nation's naval squadrons to the effect that they should prevent the expeditionaries from landing in Cuba. The *Delta* strenuously objected to the right of the national government to proffer its services to Spain,⁶⁶ and the *Courier* thought that the act flouted the public will.⁶⁷ On the other hand the *Bulletin* vigorously defended the presidential action.⁶⁸ Other journals took a more moderate stand. The *Bee* concluded that, although such action must have been distasteful to the administration, any other course was impossible.⁶⁹ The *Crescent* concurred in this stand but added that Taylor's action was extremely repugnant to a large majority of the citizens of New Orleans and the southern states.⁷⁰

Undoubtedly one of the biggest issues' growing out of the Cardenas expedition was the one raised by the capture of the one hundred Contoy filibusters by Spain.⁷¹ The Spanish government insisted on the detention and trial of these men. With the exception of the *True Delta*, the New Orleans press was indignant at Spain's attitude. It was vigorously maintained that those aboard the *Georgiana* and the *Susan Loud* were not guilty of an attack against Cuba and thus were not liable to capture.⁷² The only offense committed by the Contoy captives was that when they left New Orleans they had possibly intended to attack Cuba. If so, however, they had repented of their design and abandoned the expedition at the island of Contoy.⁷³ The press was uniform in its

⁶³ *Courier*, June 1, 1850; *Bulletin*, June 3, 1850; *Crescent*, June 1, 1850; *Bee*, June 3, 1850.

⁶⁴ *Crescent*, June 4, 1850; *Bee*, June 12, 1850; *Daily Delta*, June 4, 1850; *Weekly Delta*, June 3, 1850.

⁶⁵ *Weekly Delta*, June 3, 1850.

⁶⁶ *Daily Delta*, May 27, 28, June 5, 7, 16, 1850.

⁶⁷ *Courier*, May 24, June 15, 1850.

⁶⁸ *Bulletin*, May 24, 1850.

⁶⁹ *Bee*, May 28, 1850.

⁷⁰ *Crescent*, May 24, 1850.

⁷¹ See footnote 37, this chapter. Also consult the *Picayune*, June 12, 1850.

⁷² *Orleanian*, June 2, 1850; *Courier*, June 1, 1850; *Weekly Delta*, June 10, 1850; *Bulletin*, May 31, June 10, 1850; *Daily Delta*, June 11, 1850; *Bee*, June 4, 1850. The *True Delta*, May 30, 1850, sponsored the idea of having the unnaturalized Spanish in New Orleans present a petition to the Captain General of Cuba praying for clemency toward the Contoy prisoners.

⁷³ *Bee*, June 4, 1850. The *Daily Delta*, June 11, 1850, thought that the only crime committed by the filibusters was in sailing some distance with men who were accused of having participated in an unlawful attack. The attitude of the national administration was identical to that taken by the *Bee*. See Clayton to Commodore Charles Morris, June 29, 1850, in *Sen. Ex. Docs.*, 31 Cong., 2 Sess., No. 41, p. 5; Barringer to Clayton, August 7, 1850, in *ibid.*, p. 7; Clayton to Calderon, June 3, 1850, in *ibid.*, p. 47.

position that it was the duty of the federal government to demand the release of the captives and to protect them.⁷⁴ It was further declared that if Spain executed these men, the United States would quickly declare war on Spain as a retribution,⁷⁵ and Cuba would be freed.⁷⁶ Some few journals cautioned against war because they thought such a sentiment was largely determined "by desires of territorial acquisition."⁷⁷ The national administration, probably influenced in some measure by a united public opinion, entered a formal demand for the return of the prisoners.⁷⁸ Spain, however, insisted upon the trial of all the captives, and only slowly freed them as they were singly acquitted.⁷⁹ As time passed and many of the prisoners had not been released, a few papers in New Orleans continued to express confidence in Taylor's firm policy and predicted that America's honor would be preserved.⁸⁰ Gradually more dissatisfaction was manifested and even the usually conservative press altered its tone. The *True Delta* criticized the administration for doing nothing,⁸¹ and the *Crescent* declared that if the administration retracted its demand for the return of the Contoy prisoners, it deserved to be "hissed out of office."⁸² The radical press was again led by the *Delta* which severely criticized the government for its conduct of the whole affair.⁸³ The immediate release of the captives was also insisted upon by the *Courier*.⁸⁴ After months of delay the Spanish government finally released the remaining men who were allowed to return to the United States, and the diplomatic crisis was averted for a time.⁸⁵

⁷⁴ *Bee*, June 5, 1850; *Orleanian*, June 2, 1850; *Courier*, June 1, 1850; *Crescent*, June 19, 1850; *Daily Delta*, June 3, 1850; *Weekly Delta*, June 10, 1850; *Picayune*, June 12, 1850; *Bulletin*, June 4, 10, 1850.

⁷⁵ *Bulletin*, May 31, June 1, 19, 1850; *Bee*, June 4, 5, 1850; *Crescent*, June 3, 1850; *Courier*, May 30, 1850; *Picayune*, June 2, 1850.

⁷⁶ *Crescent*, June 3, 1850; *Bulletin*, June 1, 1850; *Courier*, May 30, 1850; *Picayune*, June 2, 1850.

⁷⁷ *Picayune*, June 18, 1850. The same journal on June 29, 1850, hoped that the United States could make a peaceful purchase of Cuba. The *True Delta*, May 30, 1850, accused ultra-expansionists of wishing to see the Contoy prisoners severely punished or executed so that an excellent pretext for war on Spain could be found.

⁷⁸ Clayton to Morris, June 29, 1850, in *Sen. Ex. Docs.*, 31 Cong., 2 Sess., No. 41, pp. 4-5; Barringer to Pidal, August 7, 1850, in *ibid.*, pp. 8-9.

⁷⁹ The first group of forty-two Contoy captives were released in mid-July. Count of Alcoy to Calderon, July 18, 1850, in *Sen. Ex. Docs.*, 31 Cong., 2 Sess., No. 41, pp. 66-67. By mid-September Spain officially announced that the largest portion of the prisoners had been liberated. Barringer to Pidal, September 19, 1850, in *ibid.*, p. 23.

⁸⁰ *Crescent*, June 26, 1850; *Bee*, July 9, 1850.

⁸¹ *True Delta*, July 9, 1850.

⁸² *Crescent*, July 9, 1850.

⁸³ *Weekly Delta*, July 1, 1850; *Daily Delta*, July 11, October 3, 1850.

⁸⁴ *Courier*, June 25, 1850. The *Bulletin*, June 26, 1850, asserted that the Contoy prisoners must be released regardless of the trial at Havana.

⁸⁵ The Queen of Spain signed a pardon for the remaining captives on October 13, 1850, and dispatched an order for their release to Havana on the same day. Barringer to Webster, November 8, 1850, in *Sen. Ex. Docs.*, 31 Cong., 2 Sess., No. 41, p. 33.

An event growing directly out of the Cardenas expedition, which was to carry both a domestic and diplomatic significance, was the determination of the national government to arrest Lopez and bring him to trial for his alleged violation of the Neutrality Law of 1818. Lopez was first arrested at Savannah, Georgia, in accord with the instructions of the authorities, but no evidence could be found against him there and he was released.⁸⁶ The government had also demanded that Lopez be arrested and tried if he were to appear in New Orleans.⁸⁷ The Cuban's subsequent appearance in New Orleans on June 7, 1850,⁸⁸ and his immediate trial there furnished the basis for the Cuba State Trials which were to occupy the attention of the public in that city until the spring of 1851.⁸⁹

In the spring of 1850 Narciso Lopez and three or four fellow Cubans came to the region of New Orleans and attempted to organize a filibustering expedition against Spanish Cuba. They encountered an enthusiastic reception there and some few Americans were almost entirely responsible for organizing, equipping, and launching a military expedition against Cuba. Because of the sympathy of state officials for the aim of the venture, the filibusters were able to obtain arms and ammunition from state agencies of Louisiana. There was also much reason to believe that the federal authorities at New Orleans were not unfriendly to the project and allowed it to get under way without molesting it.

The early opposition to the Cuban expedition by some newspapers was soon dispelled after the filibusters had sailed from the city. Then the press was almost unanimously in favor of the venture and its aims. The ultimate failure of the expeditionaries produced a temporary reaction, and for a time the leaders suffered much censure, and further expeditions to Cuba were discouraged.

Not only had the filibusters failed but about a hundred men were captured by Spain off the coast of Mexican Yucatan. These persons had not participated in the attack on Cuba, but had probably intended to do so when leaving New Orleans. After abandoning those who did make the Cardenas attack, the Contoy filibusters were presumably returning to the United States in American vessels when captured. The Spanish government insisted

⁸⁶ Henry Williams, United States District Attorney, to Clayton, May 26, 1850, in *Sen. Ex. Docs.*, 31 Cong., 1 Sess., No. 57, p. 46.

⁸⁷ Clayton to Hunton, May 27, 1850, in *Sen. Ex. Docs.*, 31 Cong., 1 Sess., No. 57, p. 46.

⁸⁸ *Bee*, June 8, 1850.

⁸⁹ For an account of the Cuba State Trials, consult chapter IV.

upon the retention and trial of these men, but this policy was strenuously protested by the United States. Spain's procrastination heightened the anti-Spanish feeling in New Orleans, and led the press there to agitate for war with Spain and the freedom of Cuba. Moderate journals perceived desires for territorial acquisition in the demand for war. After months of delay Spain freed all of the prisoners and the diplomatic crisis was temporarily averted.

The decision of the national authorities to arrest and try Lopez for his alleged violation of the Neutrality Law was to lead directly to the Cuba State Trials. These trials carried both a domestic and a diplomatic significance. It was during the course of these trials that there was revealed much of the American aid that had been given Lopez. It was also to be displayed that it was impossible for the government to convict persons accused of participating in the Cardenas expedition, because public opinion would not support these convictions.

CHAPTER IV

THE CUBA STATE TRIALS

If the evidence against Lopez were a thousand fold stronger, no jury could be impaneled to convict him because public opinion makes a law, and public opinion is in favor of Lopez's striving for Republican institutions. *Orleanian*, June 8, 1850.

The government's prosecution of Lopez in June, 1850, revealed the vital aid given to the Cardenas expedition by residents of New Orleans and other Americans. It also afforded Cuban sympathizers in the city an opportunity to forestall a conviction by refusing to testify against Lopez and by vigorously supporting his defense. Notwithstanding, the results of Lopez's trial brought sixteen indictments against alleged participators in the expedition. John Henderson was the only one actually brought to trial, but his three trials were so full of forensic quibblings that the public and the press soon lost interest in them. The indictment and arrest of John A. Quitman, Governor of Mississippi, afforded a more colorful affair and it occupied the interest of the public and the press for a few months. After Henderson's third trial had resulted in a third hung jury, the government dismissed all sixteen indictments and the filibusters' victory was won.

Shortly after it became known in New Orleans that the government intended to prosecute Lopez for his alleged violations of the Neutrality Law of 1818,¹ some journals there boldly declared that the government could under no circumstances convict Lopez because public opinion was too sympathetic in his behalf.² The only paper openly in favor of the government's prosecution was the *Bulletin*.³ From the outset there was a great public interest in Lopez's trial. On May 7, when Lopez had his first hearing before Judge T. H. McCaleb in the United States court,⁴ there was not only an immense throng of anxious people present in the court room, but the avenues leading to the building itself were crowded.⁵ Lopez's counsel was composed of S. S. Prentiss and John C. Larue.⁶ After the preliminary hearing Lopez was forced to give a three thousand dollar bond which was signed by James Caldwell, Recorder of the Second Municipality.⁷ As Lopez and his friends left the court room, a crowd surrounded them in the hall and gave a great cheer for "Lopez and Cuba."⁸ As the party made their way to the commissioner's office on the third floor of the building to sign the bond, the large crowd quickly made way for Lopez and again cheered him.⁹ A great number of persons escorted Lopez to the St. Charles Hotel,¹⁰ where the crowd again cheered him and called for a speech. After his talk, which was given in Spanish and translated by Sigur,¹¹ several persons assured the Cuban of their sympathy.¹² The following day McCaleb plead physical inability and transferred the case to Joshua Baldwin, United States Commissioner.¹³ Again a large crowd accompanied Lopez from the court room to the St. Charles Hotel, making great demonstrations.¹⁴ On May 9, hundreds of young men from Louisiana, accom-

¹ See footnotes 86-89 of the preceding chapter.

² *Orleanian*, June 8, 1850; *Courier*, June 5, 1850; *Bee*, June 6, 1850.

³ *Bulletin*, June 5, 1850.

⁴ *Bee*, June 8, 1850.

⁵ *Daily Delta*, June 9, 1850; *Courier*, June 8, 1850; *Orleanian*, June 9, 1850; *Bee*, June 8, 1850.

⁶ *Daily Delta*, June 8, 1850. After the first week of the trial Colonel Field, Randall Hunt, and E. W. Moise replaced S. S. Prentiss who was ill, and J. C. Larue who was made the new judge of the First District Court. *Daily Delta*, June 14, 1850.

⁷ Document No. 1962 in the record room of the United States District Court for the Eastern District of Louisiana, at New Orleans. *Daily Delta*, June 9, 1850; *Bulletin*, June 10, 1850; *True Delta*, June 20, 1850. The *Bulletin*, June 10, sharply questioned the propriety of a high city official offering himself as security for Lopez's bond.

⁸ *Daily Delta*, June 9, 1850.

⁹ *Orleanian*, June 9, 1850; *Courier*, June 8, 1850; *True Delta*, June 9, 1850; *Picayune*, June 9, 1850.

¹⁰ *Courier*, June 8, 1850; *Orleanian*, June 8, 1850.

¹¹ *True Delta*, June 9, 1850; *Daily Delta*, June 9, 1850.

¹² *Daily Delta*, June 9, 1850.

¹³ *Picayune*, June 9, 1850; *Bee*, June 10, 1850.

¹⁴ *Bee*, June 10, 1850.

panied by a band of musicians, went to the residence of L. J. Sigur where Lopez was residing and gave him a serenade.¹⁵ After this Lopez made a speech and then the doors of Sigur's home were thrown open and the crowd drank to the future freedom of Cuba.¹⁶ At this time Lopez was also being invited to theatre performances by private persons in New Orleans,¹⁷ and the Orleans House named a drink for him.¹⁸

The chief importance of Lopez's trial was that it served to reveal the great support lent to the Cardenas expedition by Americans residing in New Orleans, and thus it paved the way for later filibustering trials.¹⁹ It was very evident that the leading witnesses summoned to testify against Lopez refused to answer many questions on the ground that they might incriminate themselves, or because they thought they would be violating a trust.²⁰ Because of this fact the prosecution was greatly crippled.²¹ In spite of this procedure the piecemeal evidence when put together made a strong case not only against Lopez but also against many of his American colleagues. As a result of Lopez's hearings, bills of indictment were returned against sixteen men, all but two of whom were Americans, and most of these were prominent. Their trials were ordered held over until the third Monday in December of that year.²²

Public and press opinion concerning the filibusters during the course of the trial was not uniform. Throughout the trial the crowd gave unmistakable evidence of its sympathy for the defense by cheering the various speeches of Lopez's counsel.²³ The most

¹⁵ *Ibid.*; *Daily Delta*, June 9, 1850.

¹⁶ *Bee*, June 10, 1850. The serenade of Lopez was approved by the *Courier*, June 28, but deplored by the *Bulletin*, June 10.

¹⁷ *Daily Delta*, June 10, 1850; *Courier*, June 8, 1850.

¹⁸ *Daily Delta*, June 12, 1850.

¹⁹ See footnotes 12-22 of chapter III.

²⁰ *Picayune*, June 11, 15, 1850; *Bulletin*, June 13, 1850; *Daily Delta*, June 14, 1850; Caldwell, *Lopez Expeditions*, 78-79. The most prominent Americans who refused to answer many of the prosecution's questions were J. L. O'Sullivan, Alexander Walker, L. J. Sigur, John Henderson, Donatien Augustin, and Colonel M. McAlpin.

²¹ To note the embarrassment caused the prosecution by this procedure see the *Daily Delta*, June 11, 15, 20, 1850; *Weekly Delta*, June 17, 1850; *Crescent*, June 15, 1850; *True Delta*, June 15, 1850; *Bee*, June 15, 1850; *Picayune*, June 15, 1850; *Bulletin*, June 13, 1850.

²² The most prominent Americans indicted were Governor John A. Quitman of Mississippi, Judge Cotesworth P. Smith of the Mississippi Supreme Court of Errors and Appeals, John L. O'Sullivan, Editor of the *Democratic Review*, Adjutant General C. N. Rowley, Commander of the Louisiana State Arsenal, G. W. White, commander of the Round Island expedition, Donatien Augustin, commander of the Louisiana legion, John F. Pickett, former consul at Turk's Island, and Chatham R. Wheat, New Orleans attorney. See documents No. 1962, 1967, 1969, and 1970 in the record room of the United States District Court for the Eastern District of Louisiana, at New Orleans. To note the personnel of the indicting jury see document No. 1969.

See also the "Late Cuba State Trials," *loc. cit.*, 307; *Daily Delta*, June 22, 1850; *Picayune*, June 22, 1850; *Bulletin*, June 22, 1850; Claiborne, *Quitman*, II, 74-75.

²³ *Daily Delta*, June 15, 19, 1850; *Weekly Delta*, June 17, 1850; *Crescent*, June 11, 15, 1850; *Bee*, June 11, 1850.

ardent champion for the defense was the *Delta*, which staunchly opposed the prosecution.²⁴ The *Crescent* observed that a great majority of citizens in New Orleans regretted the prosecutions and hoped that there would be no convictions,²⁵ and the *Courier* wished Lopez "a safe deliverance."²⁶ These journals thought that Lopez and his supporters had not violated any federal law in the Cardenas expedition because they had had such good legal advisers.²⁷ Many journals, however, severely criticized the defense, and it was termed by one journal as "tedious, obstinate, cavilling, and interposing [the] technical to [for] evidence."²⁸ Because of the legal quibbling and the continual refusals of witnesses to answer the prosecution's questions, the whole affair began to assume in the eyes of the press the proportions of a farce,²⁹ and the termination of the affair was welcomed.³⁰

The complexity of the Cuba State Trials had changed somewhat when they were again renewed in December, 1850, for the government's prosecution was then directed at John Henderson instead of Lopez. Before Judge McCaleb's court in mid-December Henderson had asked to stand trial at once, and his request had been granted.³¹ Since all other prosecutions, including that of Lopez had been set aside, Henderson's trial became a test case. If Henderson were not convicted, it could not be hoped that the prosecution could succeed against any of the others since all of the filibustering cases turned upon the Neutrality Law of 1818, its construction, meaning, and application to the Cardenas expedition, and not upon any question of participation in the expedition itself.³² Thus throughout Henderson's three trials from January through the first part of March, 1851, the facts of Henderson's participation in the Cardenas expedition were not deemed nearly as important as the application of the law to the entire expedition. The great question which arose out of the affair was

²⁴ *Daily Delta*, June 18, 20, 1850; *Weekly Delta*, June 17, 1850.

²⁵ *Crescent*, June 15, 1850. The *Crescent*, June 8, 1850, avowed that it was not sympathetic with the aspirations of the government prosecution.

²⁶ *Courier*, June 14, 1850.

²⁷ *Daily Delta*, June 27, July 2, 1850; *Crescent*, July 1, 1850; *Bulletin*, June 17, 1850.

²⁸ *Bulletin*, June 17, 18, 1850. The *True Delta*, June 21, 1850, declared that the timidity of the defense was covering it with ridicule.

²⁹ *Picayune*, June 15, 1850; *Bulletin*, June 14, 15, 1850; *Courier*, June 12, 13, 18, 1850; *Orleanian*, June 18, 19, 1850; *True Delta*, June 13, 1850.

³⁰ *Courier*, June 18, 1850; *Orleanian*, June 19, 1850.

³¹ The Henderson trials were held before McCaleb, United States District Judge of the Southern District of Louisiana, who was presiding in the Circuit and not in the District Court. "Late Cuba State Trials," *loc. cit.*, 307-308; *Daily Delta*, December 17, 1850.

³² All other cases of the government, including that of Lopez, were founded on precisely the same charges as those formulated against Henderson. "Late Cuba State Trials," *loc. cit.*, 308, 313. For a summary of the content of the Neutrality Law of 1818 see chapter II, footnote 92.

whether or not the Cardenas venture was a military expedition in a legal sense. If it were proven so Henderson, as well as all the other participators in it, was guilty of violating the Neutrality Law; but if not, a conviction of any of the men was impossible.³³ Since the case was deemed of importance, powerful efforts of the government were expected to be launched for a conviction, and Judah P. Benjamin, noted attorney, was named to assist the District Attorney in his prosecution.³⁴

The three Henderson trials were marked by a striking similarity in that there was so much difficulty found in impaneling juries,³⁵ each trial was full of forensic quibbling, and finally there was little public interest in the trials. The first jury was finally impaneled and began its sessions on January 2.³⁶ After hearing the legalistic battle of words the jury retired on January 20, but was unable to come to an agreement and was discharged.³⁷ The vote was generally understood to have been from first to last eight for conviction and four for acquittal.³⁸ The *True Delta* was not surprised at this, for it declared it was common knowledge that odds of ten to one were bet that a hung jury could have been had at any time since the impaneling of the jury.³⁹ The government, however, soon moved for a second trial, and encountered juror difficulty again.⁴⁰ After three days had passed and five venires had been called, the jury was completed and hearings begun about the first of February.⁴¹ After the evidence was reheard, the jury deliberated about thirty hours but was unable to agree and was discharged on February 11.⁴² This time the voting was declared

³³ The debate over whether the Cardenas expedition was or was not a military expedition when it left the United States caused the trials to result in an endless forensic quibbling. The public and press quickly lost interest in the affair because of this fact.

³⁴ Pierce Butler, Judah P. Benjamin (Philadelphia, 1907), 179-180; "Late Cuba State Trials," *loc. cit.*, 308.

³⁵ The difficulty was due to two causes. First, the jury was restricted to the residents of the parish in which the court sat. *Daily Delta*, February 14, 1851. Second, most of the persons summoned for jury service professed previous opinions on the merits of the case. Of the several persons discharged for this reason, perhaps the best known was Alexander C. Bullitt of the *Picayune* who admitted holding very favorable views to the expeditionaries. *True Delta*, January 5, 1851; *Daily Delta*, January 5, 1851. See the *Daily Delta*, January 4, 5, 1851, the *True Delta*, January 5, 1851, and the *Bulletin*, January 4, for the names and opinions of the various prospective jurors who were discharged.

³⁶ *Daily Delta*, January 3, 1851. For the personnel of this jury see the *Daily Delta*, January 5, 1851. It was stated that this jury was composed almost solely of Administration men, that they were also merchants and only one was known to be a Democrat. "Late Cuba State Trials," *loc. cit.*, 313.

³⁷ *Daily Delta*, January 21, 1851; *Bulletin*, January 22, 1851.

³⁸ *Bulletin*, January 22, 1851; *Daily Delta*, January 22, 1851. To note the fashion in which the individual jurors were reported to have voted see the *True Delta*, January 22, 1851.

³⁹ *True Delta*, January 22, 1851.

⁴⁰ A typical example of this may be found in one venire of 48 jurors summoned. Only 29 were present and 23 were rejected as having previously formed opinions. Only three out of the remaining six were accepted. *Bulletin*, January 28, 1851.

⁴¹ *Bulletin*, January 31, 1851; *Bee*, February 1, 1851. For the personnel of this jury consult the *Bulletin*, January 31, and the *Daily Delta*, January 30, 31, 1851.

⁴² *Bee*, February 12, 1851; *True Delta*, February 12, 1851; *Bulletin*, February 12, 1851.

to have been six for acquittal and six for conviction.⁴³ After the conclusion of the second trial there was evident a growing hopelessness of the government's prosecution. Hunton, District Attorney, told the court that there had been exhausted a panel of more than six hundred jurors for the preceding Henderson cases, and that he saw no hope of getting another jury.⁴⁴ Although Hunton was in favor of postponing further trials of Henderson until the court's next term, Henderson insisted upon an immediate trial. Since John A. Quitman, Governor of Mississippi, waived his right for trial to Henderson, the way was paved for the third and final trial.⁴⁵ Some journals then charged that a conviction of Henderson, would be impossible on a third trial,⁴⁶ and the government was accused of persecuting instead of prosecuting him.⁴⁷ Preceding the trial there was an extreme difficulty in forming a jury.⁴⁸ Out of one venire or panel of forty-eight men summoned, not a single juror was accepted and sworn in.⁴⁹ On February 26, another panel of ninety-six names was called but only twenty-eight appeared in court. Of these the majority were not citizens and the remainder declared that they had formulated opinions on the case. From this panel of ninety-six only one was sworn in.⁵⁰ After two weeks only eight jurors had been accepted.⁵¹ Finally the jury was completed and the hearings begun on March 1.⁵² A week later the jury was discharged after being unable to agree on a verdict.⁵³ This time the filibusters had virtually the unanimous support of the jury, for only one man was reported to have stood for conviction.⁵⁴ After this verdict Hunton proceeded to dismiss all suits against the filibusters,⁵⁵ and the friends of Cuban liberty in the city gathered at Lafayette Square and fired thirty-one salvos of artillery for the Union and one additional for Cuba.⁵⁶

⁴³ *Bulletin*, February 12, 1851; *Bee*, February 12, 1851. To note the way in which the individual jurors were reported to have voted, see the *True Delta*, February 12, 1851.

⁴⁴ *Daily Delta*, February 14, 1851.

⁴⁵ *Bee*, February 14, 1851.

⁴⁶ *Picayune*, February 15, 1851; *Courier*, February 27, 1851.

⁴⁷ *Courier*, February 27, 1851. The *Picayune*, February 15, 1851, thought that in the event of another hung jury the government should dismiss the Henderson case else it would appear as a persecution.

⁴⁸ The *Crescent*, February 17, 1851, doubted that another jury could be obtained in the city.

⁴⁹ *Bulletin*, February 17, 1851; *Daily Delta*, February 18, 1851.

⁵⁰ *Daily Delta*, February 27, 1851. The *Crescent*, February 28, 1851, concurred with the *Delta* when it declared that almost every man who was summoned had made up his mind or was incompetent to serve from other causes.

⁵¹ *Courier*, February 27, 1851.

⁵² *Daily Delta*, March 2, 1851. For the composition of this jury see *ibid.*, March 8, and the *Bulletin*, March 3, 1851.

⁵³ *Bulletin*, March 7, 1851.

⁵⁴ *Ibid.*, March 8, 1851; *Daily Delta*, March 8, 1851.

⁵⁵ "Late Cuba State Trials," *loc. cit.*, 308.

⁵⁶ *Daily Delta*, March 8, 1851.

Press and public interest was never aroused over the Henderson cases and as they slowly dragged along the defense drew the scorn of some journals.⁵⁷ Many others asserted that they found the whole affair tedious and totally lacking in interest,⁵⁸ and it was added that the public as well as the press took no interest in the proceedings.⁵⁹ When the charges were finally dropped against all persons after the third Henderson suit, a relief was acknowledged.⁶⁰ Excitement over the Cuban expedition was declared to have ceased everywhere.⁶¹

Far greater public attention was to be focussed on the John A. Quitman issue in the filibustering indictments than in the actual Henderson trials. Quitman had been indicted along with fifteen others in June, 1850, for his connection with the Cardenas expedition.⁶² At that time he was Governor of Mississippi and when notified of his indictment he subsequently refused to stand trial until the expiration of his term of office. Any other course, he announced, would be degrading to the sovereign State of Mississippi.⁶³ Quitman's action was to precipitate a heated press battle in New Orleans. His position was vigorously defended by the *Delta* which merely enlarged on the Governor's arguments.⁶⁴ Both the *Courier* and the *Delta* thought Quitman's enemies were persecuting him, and they were outspoken in his defense.⁶⁵ Conversely there were many other journals which were indignant at Quitman's refusal to submit to arrest before the expiration of his term.⁶⁶ Quitman's violation of the federal law in Louisiana and subsequent claim to immunity from punishment by virtue of his state office

⁵⁷ *True Delta*, January 22, 1851; *Orleanian*, January 10, 1851; *La Union*, January 10, 1851; as quoted in the *Courier*, January 10, and the *Daily Delta*, January 18, 1851. *La Union* was the only Spanish newspaper in New Orleans at that time. It was founded in the early months of 1851, and was edited tri-weekly by V. Aleman, E. J. Gomez, and I. A. Irisarri. *Cohen's New Orleans Directory* (1851), 223. The paper followed an ultra pro-Spanish policy and was vitriolic toward the whole Cuban movement. No copies of this paper were available for research on this thesis.

⁵⁸ *Bee*, January 8, 10, February 4, 1851; *Courier*, January 7, 1851; *Orleanian*, January 10, 1851; *True Delta*, January 7, 1851.

⁵⁹ *True Delta*, January 7, 22, 1851; *Orleanian*, January 10, 1851.

⁶⁰ *Bulletin*, March 8, 1851.

⁶¹ *Courier*, January 23, 1851.

⁶² In the spring of 1850 Quitman had entertained Lopez for several days at his official mansion at Jackson, Mississippi, and had been seen later associating with Lopez in New Orleans. The Cuban had often referred to Quitman as the "American General" who was to command future expeditions to Cuba. Lastly Quitman confessed that he knew the Cardenas expeditionaries had also procured arms from the Mississippi arsenal, but declared that he was not actually implicated in it. H. S. Foote, in the *Weekly Delta*, August 4, 1851.

⁶³ Quitman to H. J. Harris, United States Attorney, November 9, 1850, in Claiborne, *Quitman*, II, 71. Quitman's term ended in January, 1852. *Crescent*, December 26, 1850.

⁶⁴ *Daily Delta*, February 7, 13, 1851.

⁶⁵ *Daily Delta*, January 21, 1851; *Courier*, February 6, 8, 1851. The *Courier*, February 8, blamed President Fillmore for Quitman's persecution.

⁶⁶ The *True Delta*, February 14, 1851, carried the most caustic refutation of Quitman's position.

was decried by some papers as being contrary to the theory that all men were equal before the law.⁶⁷ However, when the writ of Quitman's arrest was issued and served on him at Jackson, Mississippi, on February 3, 1851, he resigned his post the same day. He also addressed a proclamation to the people of Mississippi giving the reason for his resignation.⁶⁸ The content of the proclamation called forth more editorial conflict from the New Orleans press. The *Delta* again lauded Quitman's action and gloried in his self-sacrifice.⁶⁹ Other journals, however, highly disapproved of the wording of the proclamation which they thought carried highly dangerous sectional doctrine, contrary to national ideals.⁷⁰ Upon Quitman's arrival in New Orleans, the *Courier* stated that the comedy of the Cuba State Trials took a more grandiose turn when Quitman faced the court.⁷¹ Quitman soon yielded his right for trial to Henderson⁷² and the latter's final trial began. It was asserted that public sympathy was for Quitman and that he was the object of the crowd's special attention when he left the courtroom.⁷³ Shortly thereafter an immense crowd gave Quitman a serenade at Hewlett's Hotel which he graciously acknowledged from the balcony.⁷⁴ Soon after the dismissal of all the suits by Hunton, numerous friends of Quitman's in New Orleans gave a banquet in his honor at the St. Louis Hotel.⁷⁵ One of the three city recorders, and several aldermen of New Orleans, were present and gave toasts, as were several other prominent citizens of the city.⁷⁶ In Quitman's toast he was very sympathetic toward the Cardenas liberators of Cuba and he received loud applause for his statements.⁷⁷

⁶⁷ *Picayune*, February 5, 1851; *Crescent*, July 8, December 26, 1850; *Bulletin*, February 10, 1851. The *True Delta*, July 3, 1850, thought that Mississippi could hardly be supposed serious in its ridiculous stand that its governor was inviolable to the laws of another state, or of the nation.

⁶⁸ Claiborne, *Quitman*, II, 65-66, 74-75. The text of his proclamation is given in *ibid.*, 65-66. Quitman resigned in spite of the request of many of his friends in Mississippi that he refuse arrest and thus precipitated a conflict between state and federal authorities which would soon involve other Southern states. *Ibid.*, 64-65.

⁶⁹ *Daily Delta*, February 8, 1851; *Weekly Delta*, February 17, 1851.

⁷⁰ *True Delta*, February 8, 14, 1851; *Bulletin*, February 10, 1851. The *Picayune*, February 9, 12, 1851, objected to the wording of Quitman's proclamation but was not so vigorous in its disapproval of it.

⁷¹ *Courier*, February 8, 1851.

⁷² See footnote 45 of this chapter.

⁷³ Claiborne, *Quitman*, II, 75-76.

⁷⁴ *Daily Delta*, February 8, 1851; *Courier*, February 8, 10, 1851.

⁷⁵ *Daily Delta*, March 11, 13, 14, 1851; *Weekly Delta*, March 17, 1851; *Picayune*, March 13, 1851; *True Delta*, March 14, 1851. About a hundred persons were present at the Quitman dinner. *Daily Delta*, March 14, 1851. The limited number was ascribed to the crowded condition of New Orleans, the brief notice given, and the high price of the tickets. *True Delta*, March 14; *Daily Delta*, March 14, 1851.

⁷⁶ The Recorder was Joseph Genois of the First Municipality, and the Aldermen were L. E. Hooper, C. D. Yancey, William Laughlin, and John Sewall. The other guests of greatest prominence were Alexander Walker and J. D. B. De Bow who also gave toasts. *Daily Delta*, March 14, 1851.

⁷⁷ *Daily Delta*, March 14, 1851.

Shortly after the government suits against the sixteen men had been dismissed, President Fillmore, believing that the Cuban movement in the United States had not ceased, issued a proclamation against participation in such activity.⁷⁸ Fillmore's proclamation, even as that of his predecessor, Taylor, was to encounter a none too favorable reception at New Orleans. True it was unqualifiedly endorsed by the *Bulletin*, the *Crescent* and *La Union*,⁷⁹ but the ultra-conservative *True Delta* was uncertain "whether to condemn the proclamation or to deplore its necessity." This paper remained true to its policy when it concluded that the President's course was both worthy and required of him.⁸⁰ At the time the *Picayune* contented itself with merely reproducing the document,⁸¹ but its subsequent editorial policy indicated decisively that it disapproved of the President's proclamation.⁸² It was observed by the *Orleanian* that the President was over-alarmed, and unnecessarily so, because a mountain had been made out of a molehill.⁸³ The two radical Democratic journals left little doubt as to their viewpoint. The *Courier*, pursuing the more moderate policy of the two, was willing to respect treaties, but argued that treaties were not violated if Cubans bought arms in this country and then left to liberate their country, or if generous Americans followed them of their own free will. Treaties were only broken if military expeditions were organized on American soil. The *Courier* conceded Fillmore's right to disperse these. However, when a majority of Cubans had engaged in a struggle for freedom against despotism, Americans would justly give them active aid. Fillmore's indictment of foreigners in his proclamation was deemed narrow and ungenerous.⁸⁴ The opposition of the *Delta* to the document was as unrelenting as it was caustic. The President's unfavorable mention of the activity of foreigners and his assertion that the expeditions were for purposes of robbery and plunder drew the unceasing hostility of this organ.⁸⁵ Fillmore was proclaimed a "would-be despot" who was an enemy to the South⁸⁶ in that his

⁷⁸ The proclamation was issued April 25, 1851. It was essentially aimed at foreigners who were declared to be agitating for such a movement, and their motives were asserted to be ones of robbery and plunder. The penalty for engaging in such an expedition was to be a fine of not more than three thousand dollars, and an imprisonment of not more than three years. Richardson, *Messages and Papers of the Presidents*, V, 111.

⁷⁹ *Bulletin*, August 16, 1851; *La Union* as quoted by the *Daily Delta*, May 24, 1851; *Crescent* as quoted by the *Daily Delta*, May 17, 1851.

⁸⁰ *True Delta*, May 6, 1851.

⁸¹ *Picayune*, May 3, 4, 1851.

⁸² See footnotes 31 and 38 of chapter V.

⁸³ *Orleanian*, May 6, 1851.

⁸⁴ *Courier*, May 3, 1851.

⁸⁵ *Daily Delta*, May 7, 14, 1851; *Weekly Delta*, May 12, 1851.

⁸⁶ *Daily Delta*, May 6, 1851.

policy would convert Cuba into a second Santo Domingo.⁸⁷ As the administration continued its stringent opposition policy toward expeditionary activities in the spring and summer of 1851, the *Courier* and the *Delta* remained its most bitter critics,⁸⁸ while the New Orleans Whigs, officially at least, praised Fillmore's conduct of affairs.⁸⁹

Thus it was that the Cardenas expedition led directly to the Cuba State Trials of 1850-51. These trials not only revealed much of American aid that had been given Lopez in the previous expedition by such persons as Sigur, Henderson, Augustin, and others, but they were also to demonstrate that the filibusters had retained much public support in New Orleans, and that there was at least a very active minority in the city which was interested in preventing any convictions. The actual trials of Lopez and Henderson dragged out from June, 1850, to March, 1851, and they soon degenerated into legalistic interpretations and quibbling. This quickly lost its appeal for the press and public. Quitman's indictment under the Neutrality Law publicly aligned the Mississippi governor with the expeditionaries, and lent more significance to the affair. When the government dismissed all indictments after the third unsuccessful trial of Henderson, that action was taken as a distinct victory for Quitman and the expeditionaries, and friends of Cuban liberty in New Orleans and elsewhere rejoiced. Fillmore's proclamation against Cuban filibustering activity only kept alive the controversy among New Orleans journals.

CHAPTER V

PREPARATIONS FOR AND EXCITEMENT OVER THE LAST LOPEZ EXPEDITION

"We shall be glad to see Cuba free. We should prefer that her emancipation from foreign dominion were effected peaceably by purchase and annexation to the United States, but if her people will or cannot wait, . . . we cannot raise a voice to discourage them, or to keep from them such succor as men fully appraised of the hazards they encounter, and the responsibilities they assume, are willing to tender them." *Picayune*, August 21, 1851.

After a quiet summer New Orleans was projected into a great state of excitement and speculation in late July, 1851, over the

⁸⁷ *Ibid.*, May 3, 5, 1851.

⁸⁸ See footnote 35 of chapter VII.

⁸⁹ At the Second Congressional District meeting of the Whigs, held at Donaldsonville, Louisiana, with the New Orleans caucus present, the party fully endorsed Fillmore's policy by resolution. *Daily Delta*, August 13, 1851.

news of a new Cuban revolution. Immediately a jubilant populace held large mass meetings, speakers urged that aid be sent Cuba, Cuban bonds were printed and sold, hundreds of expeditionaries enlisted, many of whom were residents in New Orleans, a ship was purchased, and a general enthusiasm was prevalent. Again American aid, much of it given by individuals in New Orleans, was the most instrumental factor in enabling Lopez's last expedition to organize. L. J. Sigur was the directing spirit behind the venture. By virtue of a warning from a member of the Custom House in New Orleans, the expedition was enabled to get underway without government interference. In spite of the government's professed ignorance of the departure, a large crowd knew of it and cheered the filibusters as they embarked. After some weeks of suspense over the fate of the expeditionaries, the joyful news was received that they had landed in Cuba.

The Cuban question was to languish during the spring and early summer of 1851 although an attempt was made by Cuban patriots in the city to raise a military spirit. Several volunteer uniform organizations were formed in the city,¹ and military parades were held.² The movement was indirectly aided as the result of an act of the Louisiana Legislature in 1850 when that body had declared that a yearly sum of \$5,000 for the next two years was to be paid the Louisiana Legion of New Orleans, and all the volunteer companies to be formed in that city.³ The *Delta* was strong in its praise of the military revival,⁴ and L. J. Sigur was said to have been the guiding spirit of it.⁵ On May 19, there had been a large and tumultuous celebration of the anniversary of the landing of the Cardenas expedition in Cuba.⁶ This celebration was countered by a Spanish parade in New Orleans which was quite large. The procession headed by a band marched through the streets of the city shouting, "Death to Lopez!"⁷ But in spite of these undercurrents, the Cuban question did not occupy the populace at the time.

¹ The Emmet Guards, Jackson Rifles, Tracy Blues, Emeralds, and the Melpomenians were among those volunteer companies organized. See the *Daily Delta*, April 23, May 8, May 10, July 9, 1851.

² *Daily Delta*, May 2, July 6, 1851.

³ *Official Journal of the Proceedings of the Senate of the State of Louisiana, First Session—Third Legislature*, March 20, 1850, 176-177. See also *Acts Passed by the Third Legislature of the State of Louisiana at Their Session Held and Begun in the Town of Baton Rouge on the 21st Day of January, 1850*. (New Orleans, 1850), 245.

⁴ *Daily Delta*, April 23, May 6, July 6, 1851. The *Crescent* however disapproved of the military movement. *Daily Delta*, May 6, 1851.

⁵ Quisenberry, *Lopez Expeditions to Cuba*, 68.

⁶ *Daily Delta*, May 16, 20, 1851.

⁷ *Ibid.*, May 25, 1851.

On July 22 and 23, the city was startled and thrown into great excitement, almost a delirious joy, over the news of a Cuban revolution.⁸ In their jubilation some young men obtained a cannon and fired numerous salutes while waving the flag of free Cuba.⁹ The *Delta* issued an extra and within an hour three thousand copies of the paper were distributed.¹⁰ Toward evening without any preconcerted arrangement,¹¹ a great public mass meeting, presided over by M. M. Cohen,¹² was held at Lafayette Square.¹³ Other prominent citizens were elected honorary officers,¹⁴ and still others composed the committee on Cuban resolutions.¹⁵ The resolutions which were drawn up and adopted quite definitely endorsed the Cuban revolution and favored dispatching aid.¹⁶ The speakers, General Felix Houston and Mr. Daly, endorsed and urged the resolutions.¹⁷ After the termination of the affair, a crowd of "great magnitude" marched down St. Charles Street to the tune of Yankee Doodle, while waving Cuban flags.¹⁸ Numerous Cuban mass meetings followed,¹⁹ prominent speakers urged that aid be sent to Cuba,²⁰ and several well-known men in city and state

⁸ *Bulletin*, July 23, 1851; *Bee*, July 23, 1851; *Daily Delta*, July 23, 1851; *Picayune*, July 23, 1851; *Orleanian*, July 24, 1851. The *Daily Delta*, July 23, asserted that the enthusiasm of the city was as strong as when favorable military tidings used to reach the city during the Mexican War. The *Orleanian*, July 24, stated that it heard of no one who did not approve of the Cuban revolt.

⁹ *Daily Delta*, July 23, 1851; *Orleanian*, July 24, 1851.

¹⁰ *Daily Delta*, July 23, 1851.

¹¹ *Ibid.*, July 23, 24, 1851.

¹² *Courier*, July 24, 1851; *Daily Delta*, July 24, 1851; *True Delta*, July 24, 1851; *Picayune*, July 24, 1851. Cohen had been United States Commissioner for the state of Louisiana in 1849 and had assisted Justice Bright in the Rey abduction trials in July of that year. See footnote 9 of chapter II.

¹³ *Daily Delta*, July 23, 1851; *Courier*, July 24, 1851. The *True Delta*, July 24, asserted that almost two thousand persons were present.

¹⁴ William Monaghan and Benjamin Campbell were elected vice-presidents, and Durant da Ponte was the most prominent secretary elected. *Daily Delta*, July 24, 1851; *True Delta*, July 24, 1851; *Picayune*, July 24, 1851. Monaghan was an agent for military claims in New Orleans, and he was one of the seven men who had contributed toward Sigur's \$7,500 arms bond for the Cardenas venture. See footnote 18 of chapter III.

¹⁵ The most prominent member of the committee on resolutions was Perry S. Warfield. *True Delta*, July 24, 1851; *Picayune*, July 24, 1851. Warfield was a prominent New Orleans barrister who had assisted in the prosecution of España for the alleged abduction of Garcia Rey. See footnote 46 of chapter II.

¹⁶ The resolutions were as follows: the Cuban revolution is deeply sympathized with; the American people will not tolerate any interference by European powers in the political affairs of America; it is the "social right and imperative duty" of Americans "to give aid and comfort by all legal means" to the oppressed Cubans. *Daily Delta*, July 24, 1851; *Picayune*, July 24, 1851; *True Delta*, July 24, 1851.

¹⁷ *Picayune*, July 24, 1851.

¹⁸ *Ibid.*

¹⁹ *Daily Delta*, July 25, August 3, 1851. The *Daily Delta*, August 3, stated that thousands attended the Cuban meeting of August 2, whereas the *Orleanian*, August 3, observed that the meeting was not well attended, due perhaps to the inclement weather.

²⁰ Perry S. Warfield, D. I. Ricardo, and Colonel Field agitated for Cuban aid. Pierre Soulé, Alexander Walker, and Randall Hunt were scheduled to make speeches on August 2, but they failed to put in an appearance. *Daily Delta*, August 3, 1851.

politics served on the various Cuban committees.²¹ A committee appointed to raise funds for the cause of Cuba was said to have had encouraging success.²² The excitement and speculation raised by the first tidings of the Cuban revolt were to increase in tempo by the first days in August.²³ It was in the midst of this enthusiasm that Lopez's last expedition sailed on August 3, 1851.²⁴

The press in New Orleans took a very keen interest in the Cuban revolution from the outset and assumed decided positions on the progress and scope of the revolt, the right and advisability of dispatching aid to Cuba, and even candidly discussed the motives of the leaders of the filibusters and the composition of that body. Several journals were at first skeptical about the scope of the revolt and thought it not widespread.²⁵ But as July drew to a close, this skepticism was not so pronounced, and it was outweighed by the enthusiastic opposition.²⁶ On the contrary many journals from the beginning credited the Cuban revolution as being *bona fide* and well-supported,²⁷ and their stand was reinforced by more cautious organs.²⁸ The only papers opposed to sending armed aid to Cuba were the *Crescent*²⁹ and the *True Delta*.³⁰ Many journals in the city agitated almost immediately to launch a filibustering expedition to Cuba, declaring that volunteers for such an expedition must be regarded as patriots and liberators.³¹ Even conservative organs did not look with indif-

²¹ Isaac Johnson, Attorney General for the State of Louisiana; M. M. Cohen, United States Commissioner for the State of Louisiana in 1849; Joseph Genois, Recorder for the First Municipality of New Orleans; D. Corcoran, part owner of the *Delta*; Alexander Walker, prominent lawyer, journalist, and contributor to the *Delta*; Cyprien Dufour, prominent New Orleans lawyer; Durante da Ponte, editor of the *Courier*; Felix Houston, Kentuckian and ex-Mexican War general; Cuthbert Bullitt, commission merchant in the city; and J. F. H. Claiborne, New Orleans newspaper editor, were the most prominent men serving on Cuban committees. See the *Daily Delta*, July 29, 1851; *Courier*, July 29, 1851; *Daily Delta*, August 3, 1851.

²² *Daily Delta*, July 31, 1851.

²³ *Crescent*, July 25, 1851; *Picayune*, August 1, 1851; *Weekly Delta*, August 4, 1851; Schlesinger, *loc. cit.*, 212 alleged that when he arrived in New Orleans on July 28, 1851, he found all in a blaze of excitement about Cuba. Cuban flags and placards were reported to have been everywhere. "Cuba was the topic of the newspapers, the Exchange, the street corners, and the barrooms. It even ascended into the pulpit."

²⁴ See footnotes 51 and 52 of this chapter.

²⁵ *True Delta*, July 23, 1851; *Crescent*, July 23, 1851; *Bulletin*, July 23, 1851; *La Union* as quoted in the *Bee*, July 24, 1851; *Bee*, July 24, 1851.

²⁶ The *Bee*, August 2 and 11, 1851, still retained its doubt as to the extent of the revolution. The *Crescent*, August 12, 1851, was not at all optimistic about the chances for filibustering success. The *Orleanian*, August 16, was dubious about the probability for the expeditionaries' success. It is significant that press warnings with one exception were issued after the expedition had sailed on August 3. At that time the city was apparently optimistic as well as enthusiastic.

²⁷ *Courier*, July 23, 26, 31, 1851; *Picayune*, July 22, 26, August 1, 1851; *Daily Delta*, August 6, 1851.

²⁸ *Bee*, July 28, 1851; *Orleanian*, August 1, 1851; *Bulletin*, August 1, 6, 1851.

²⁹ The *Crescent*, July 23, 1851, thought that another filibustering expedition would stamp America as a "land of lawless freebooters."

³⁰ The *True Delta*, July 29, August 3, 1851, viewed the expedition as one gotten up by "unprincipled speculators," and hence opposed it.

³¹ *Picayune*, July 22, 23, August 1, 1851; *Bee*, July 28, 1851; *Courier*, July 28, 31, August 1, 1851; *Orleanian*, July 23, 24, 1851.

ference at the appeal of Cuba for aid.³² After Lopez's expedition had gotten underway some journals concerned themselves in part with such questions as the right of the expeditionaries to sail and the duty of the government to prevent them from aiding Cuba.³³ The *Bulletin* advocated giving aid to Cuba as far as it could be done in keeping with our national relations, but denied the doctrine of the right of expatriation under which the expeditionaries defended their actions.³⁴ The *True Delta* thought Lopez's expedition was a violation of our national laws even though it was launched with the "tacit approval" of our government.³⁵ Conversely some journals favored "active sympathy" with Cuba,³⁶ and counseled against governmental interference with the expedition.³⁷ The conservative *Bee* declared that the government would doubtless close its eyes to the expedition, because the movement was so popular and because many government officials shared the public sympathy for the Cuban movement.³⁸ Some journals declared little sympathy with the expedition because they believed the majority connected with the Cuban venture to be adventurers, lovers of excitement,³⁹ and speculators.⁴⁰ Some of the leaders, they asserted, had been carried away by the idea of a Cuban mass insurrection and the ease with which Cuba could be captured, and had in turn deceived others wittingly or unwittingly.⁴¹ Conversely many journals staunchly defended the filibusters. Not only had Lopez and Sigur been the objects of general

³² The *Bee*, July 28, advocated helping Cuba by all possible means short of personal aid until it was verified that an expedition would have reasonable prospects of success. If America saw that the Cuban rebels could sustain themselves for some months there would be no lack of personal aid. The *True Delta*, July 27, August 9, 1851, carried the same general tenor of argument as the *Bee*, July 28, 1851.

³³ The *Daily Delta*, August 20, 1851, thought these questions the most important of the day. The debate over these issues found their way into politics. At a meeting of the Whig delegation at Donaldsonville, Louisiana, resolutions were adopted which approved Fillmore's plan of suppressing the Lopez expedition. New Orleans Whigs were present at this meeting. *Picayune*, August 13, 1851.

³⁴ *Bulletin*, August 6, 16, 1851.

³⁵ *True Delta*, August 9, 1851.

³⁶ *Courier*, August 6, 1851.

³⁷ *Ibid.*, August 6, 13, 1851; *Picayune*, August 7, 21, 1851.

³⁸ *Bee*, August 8, 1851, affirmed that popular sentiment for the expedition would probably take precedence over the moral obligation of the government. The *Picayune*, August 7, 1851, advocated a very soft application of the Neutrality Law since that law was declared to be in opposition to the rights of the individual man, and the instincts of the people.

³⁹ *Orleanian*, July 30, 1851. The *Picayune*, August 7, 1851, cautioned young men against going to Cuba simply for the adventure to be found there.

⁴⁰ *Orleanian*, July 30, 1851; *True Delta*, July 29, August 3, 1851. The *True Delta*, August 17, 1851, declared speculators in revolutions, holders and sellers of Cuban bonds, and parties furnishing the equipment for the venture were interested in launching the expedition to Cuba. This paper also admitted that men distinguished by "truth and integrity" also supported the Cuban expedition.

⁴¹ *Orleanian*, July 30, 1851; *Picayune*, August 21, 1851; *La Union*, as quoted by the *Daily Delta*, August 14, 1851.

interest in the city before the expedition sailed,⁴² but after it left the city many journals preferred to call the expeditionaries liberators,⁴³ and to champion their motives.⁴⁴

In the meantime final preparations were being made for the expedition. In order to raise funds for the venture Cuban bonds were again issued and these were sold as script.⁴⁵ Many of these bonds were purchased in New Orleans.⁴⁶ After selling his share in the *Delta*, Sigur personally purchased the ship, *Pampero*, for \$40,000 and placed it at the disposal of the expeditionaries.⁴⁷ Volunteers were not lacking and it was asserted that a force of thousands could have been raised if the requisite transportation had been available.⁴⁸ Lopez and his men left New Orleans earlier than they had intended because of the favorable Cuban tidings of the revolution,⁴⁹ and the warning received on August 1, from a Custom House official, that the *Pampero* was to be seized by the government the following Monday, August 3.⁵⁰ Accordingly the men were hastily assembled, coal and supplies were taken aboard, and the *Pampero* left Lafayette at four o'clock Monday morning.⁵¹ A large crowd had assembled to see the ship off and the expeditionaries were cheered loudly when they embarked.⁵² Due to the overcrowded state of the vessel, Lopez landed the expedition at Balize and thinned out the members so that 435 men

⁴² Schlesinger, *loc. cit.*, 212; *Boletín*, Havana, 1904, 19, quoted by Caldwell, *Lopez Expeditions*, 90; Herbert Asbury, *The French Quarter, an Informal History of the New Orleans Underworld* (New York, 1936), 177, 181.

⁴³ *Courier*, August 8, 20, 1851; *Bulletin*, August 18, 1851. The *Courier*, August 15, called the expeditionaries "heroic volunteers."

⁴⁴ *Courier*, August 8, 20, 1851; *Weekly Delta*, August 18, 1851. The *Orleanian*, August 4, 1851, wished the filibusters well as long as they were in the service of freedom.

⁴⁵ These bonds bore interest at the rate of six per cent and were redeemable after the independence of Cuba had been established. They were secured by the public lands and property of Cuba. John S. Kendall, *History of New Orleans*, 3 vols. (Chicago, 1922), I, 170; Quisenberry, *Lopez Expeditions*, 32; Asbury, *French Quarter*, 181. The bonds issued at this time were similar in every respect to those issued to finance the Cardenas expedition. See footnotes 12-14 of chapter III.

⁴⁶ Kendall, *History of New Orleans*, I, 170; Asbury, *French Quarter* 181. Both Kendall and Asbury attributed part of the interest in the expedition to the Cuban bond investments made by citizens of New Orleans.

⁴⁷ *Daily Delta*, September 25, 1851; Schlesinger, *loc. cit.*, 213. Sigur had sold his interest in the *Delta* in June, 1851, to John P. Heiss, newspaper man. *Daily Delta*, September 16, 1851. At this time Lopez was still residing at the home of Sigur while final preparations were being made. Schlesinger, *loc. cit.*, 213.

⁴⁸ Schlesinger, *loc. cit.*, 213; Quisenberry, *Lopez Expeditions*, 72-73.

⁴⁹ Jones, *Cuba in 1851*, 35. Asbury, *French Quarter*, 183, asserted that the favorable news was purposely disseminated by Governor General Concha of Cuba so as to inveigle the expedition into starting before its full strength had been gathered.

⁵⁰ William L. Crittenden was the official who gave the warning. Schlesinger, *loc. cit.*, 213.

⁵¹ Schlesinger, *loc. cit.*, 213. The *Pampero* had arrived in New Orleans on July 29, 1851, entered the Custom House the next day, reporting that her boilers had burnt out. The ship left the night of August 2, without clearance papers. *Picayune*, September 7, 1851.

⁵² Schlesinger, *loc. cit.*, 214. Schlesinger alleged that all Lafayette seemed up and awake, and that a crowd of from ten to twelve thousand was at the wharf to see the expeditionaries leave. See also Caldwell, *Lopez Expeditions*, 91; Kendall, *History of New Orleans*, I, 170; Asbury, *French Quarter*, 183; Jones, *Cuba in 1851*, 35.

remained.⁵³ Their ship continued to the mouth of the Mississippi, where an anchor was dropped, and repairs were made.⁵⁴ It was not until Wednesday, August 5, that the *Pampero* left the mouth of the river for Cuba.⁵⁵ When the ship finally sailed for Cuba, it carried at least fifty residents of New Orleans,⁵⁶ several of whom were serving as officers.⁵⁷ There were also three ex-employees of the Custom House at New Orleans among the filibusters.⁵⁸

When Lopez and his men left New Orleans, the city was greatly excited and speculation was rife about the probability of success of the Cuban revolution.⁵⁹ As the excitement grew daily,⁶⁰ the "public mind divided between hope and fear,"⁶¹ until the Cuban topic absorbed all other questions.⁶² When favorable news concerning the Cuban revolts reached New Orleans in mid-August, the *Courier* ran off an extra edition of two thousand copies and its office was crowded with a large number of persons eager to obtain the latest Cuban news.⁶³ In spite of the intention

⁵³ W. Scott Haynes Memorial to Congress, January 7, 1852, in *Congressional Globe*, 32 Cong., 1 Sess., [XXIV], 217. The *Boletín*, Havana, 1904, quoted by Caldwell, *Lopez Expeditions*, 92, cited the number as 434. Schlesinger, *loc. cit.*, 214, stated that slightly more than four hundred remained.

⁵⁴ It was necessary to repair defective machinery, tranship arms, clear the decks of equipment, etc., because the hurried departure had prevented this. Schlesinger, *loc. cit.*, 214.

⁵⁵ *Ibid.*, 215. This fact would indicate that the government authorities at New Orleans were either delinquent in the discharge of their duties because public opinion favored the launching of the expedition, or that they lacked the necessary forces to follow and suppress the expedition.

⁵⁶ This number was derived after a careful check of New Orleans newspapers, government documents, and other sources. See the *Bee*, September 5, 1851; *Courier*, August 23, 1851; *Daily Delta*, August 23, 1851; October 11, 1859; *Picayune*, September 4, 20, 1851; Presidio Departmental de la Habana, Havana, September 23, 1851, in *Sen. Ex. Docs.*, 32 Cong., 1 Sess., No. 1, p. 37; Haynes Memorial, *Cong. Globe*, 32 Cong., 1 Sess., [XXIV], 217; Quisenberry, *Lopez Expeditions*, 128-130. The city of New Orleans and the State of Mississippi were declared to have contributed the bulk of the expeditionaries to the Cuban venture. *Daily Delta*, August 21, 1851. Captain Jackson's whole company of volunteer rifles, all individuals of which were residents of New Orleans, was persuaded to leave the *Pampero* because of its overcrowded state. They were to follow in the next expedition. Caldwell, *Lopez Expeditions*, 91.

⁵⁷ W. Scott Haynes and W. L. Crittenden were colonels, J. A. Kelly and Victor Kerr were captains, H. G. Summers and James G. Owen were lieutenants, and Robert Ellis commanded the Sigur Guards.

⁵⁸ Victor Kerr and W. L. Crittenden had been in the Surveyor's department of the Custom House in New Orleans. R. C. Stanford had also been an official there. *Cohen's New Orleans Directory*, (1851), 224; Crittenden was a nephew of the Attorney General of the United States. He had served in the Mexican War with distinction, and since that time had been a resident of New Orleans. See the *True Delta*, August 24, 1851; Quisenberry, *Lopez Expeditions*, 70, 73; Caldwell, *Lopez Expeditions*, 92.

⁵⁹ Schlesinger, *loc. cit.*, 582; *Weekly Delta*, August 5, 1851; *Picayune*, August 5, 1851.

⁶⁰ *Bulletin*, August 6, 1851; *Picayune*, August 7, 1851; *Courier*, August 15, 1851; *Orleanian*, August 13, 1851.

⁶¹ Schlesinger, *loc. cit.*, 212.

⁶² *Picayune*, August 7, 1851; *Orleanian*, August 13, 1851. The *Daily Delta*, August 20, 1851, was so engrossed in the Cuban subject that it declared every man's views in that regard ought to be made public, be he Democrat or Whig. The *Courier*, August 15, stated that the press was besieged for information, and that Cuba was the topic of conversation in the barroom, parlor and street. Asbury, *French Quarter*, 183, stated that much of the excitement sprang from the Cuban bondholders who had been promised confiscated sugar plantations, and the wives of the common soldiers who had been offered substantial cash remunerations after Cuba had been conquered.

⁶³ *Courier*, August 16, 1851.

to launch other expeditions from New Orleans soon after Lopez sailed,⁶⁴ the city settled down to an anxious watchful waiting for further news from Cuba sufficient to show that the people there were in the struggle.⁶⁵ In the absence of definite news over the fate of the *Pampero*, a painful uneasiness and uncertainty was acknowledged in the city.⁶⁶ Finally New Orleans on August 20 received definite assurance that the *Pampero* had landed in Cuba.⁶⁷ The news was received with relief by all classes of persons,⁶⁸ and the "sanguine and enthusiastic were out of all bounds."⁶⁹

The organization and dispatch of the last Lopez expedition sharply revealed the general enthusiasm for the Cuban movement in New Orleans. From the time when the news of the Cuban revolution was first received on July 22 and 23, 1851, the project of an armed expedition to aid Cuba had the support of a majority of the press, and many prominent men in city and state politics identified themselves with the Cuban cause. Sigur sold his share of the *Delta* to buy a ship, the *Pampero*, for the filibusters, many persons in the city purchased Cuban bonds, and numerous residents there enlisted in the expedition. Three ex-officials of the Custom House at New Orleans were also to accompany Lopez to Cuba, and interestingly enough, the filibusters evaded government suppression in the city, through a warning given them by one of these officials. Although the authorities professed to be unaware of the departure of the filibusters, a large crowd cheered them as they embarked. Governmental inertia was further displayed by the fact that after it was publicly known in the city that the expedition had left, the *Pampero* laid over for two days at the mouth of the Mississippi without any molestation whatever. After the expeditionaries had sailed a majority of the press in the city continued to regard them as liberators, and much concern was felt for their safety. The news of their arrival in Cuba gave a sense of relief to all thinking persons in New Orleans, and great joy to many ardent spirits.

⁶⁴ Schlesinger, *loc. cit.*, 582.

⁶⁵ *Picayune*, August 7, 1851; *Daily Delta*, September 6, 1851.

⁶⁶ *Courier*, August 15, 1851; *Daily Delta*, August 21, 1851; *Bulletin*, August 21, 1851; *Picayune*, August 22, 1851.

⁶⁷ The news was brought by persons on the brig *Mary Elizabeth*.

⁶⁸ *Bulletin*, August 21, 1851. The *True Delta*, August 21, opposition paper to the whole Cuban movement, carried a rather favorable notice on the expeditionaries when it learned that the *Pampero* had landed.

⁶⁹ *Crescent*, August 21, 1851. See also the *Daily Delta*, August 21, 1851; *Bee*, August 21, 1851; *Courier*, August 20, 1850; *Weekly Delta*, August 25, 1851.

CHAPTER VI

THE NEW ORLEANS RIOTS

Thousands in this city clenched their fists and cried for revenge after receiving the news of the Crittenden executions. The information ran like wildfire through the city and everywhere cries of the deepest indignation were heard. *Courier*, August 23, 1851.

New Orleans was electrified on August 21, 1851, by the information that W. L. Crittenden and his command of fifty men, a small detachment from Lopez's main body in Cuba, had been captured by the Spanish, condemned by order of Captain-General Concha, executed, and their dead and dying bodies left to the mercies of an infuriated Havana mob. The press in the city immediately fanned a spirit of revenge against Spain and, aided by some unfortunate incidents, riots against Spanish sympathizers broke out in the city that afternoon. The local authorities were unprepared for the emergency and remained paralyzed and impotent before the fury of the mob. In addition the indifferent or encouraging attitude of most of the citizenry made it possible for the rioters to wreak destruction almost at will on many Spanish establishments in the city, including *La Union*, ultra Spanish newspaper, and the Spanish consulate. After about eight hours of violence and vandalism had been perpetrated, the authorities finally moved with concerted action and quelled the disorders. The city press universally deplored the riots, and declared that the rioters were almost entirely composed of the more ignorant and desperate classes of persons. All the journals were firm in their conviction that the impotence of civic authorities was responsible for the extent and duration of the riots.

At an early hour on Thursday, August 21, 1851,¹ the appalling news was brought to New Orleans that W. L. Crittenden and his command of fifty Americans² had been captured off the island of Cuba while attempting to escape in boats,³ had been taken to

¹ According to Calderon de la Barca's report the information came at eight A. M. Calderon to William S. Derrick, Acting Secretary of State, September 5, 1851, in *Cong. Globe*, 32 Cong., 1 Sess., [XXV], 34. The *Empire City* carried the news. *Daily Delta*, August 22, 1851; *Picayune*, August 22, 1851.

² A. D. Crossman, Mayor of New Orleans, to Logan Hunton, September 18, 1851, in *Cong. Globe*, 32 Cong., 1 Sess., [XXV], 35; *Crescent*, August 22, 1851.

³ Webster to Calderon, November 13, 1851, *Cong. Globe*, 32 Cong., 1 Sess., [XXV], 38; *Daily Delta*, August 22, 1851. Crittenden's command had been separated from Lopez's main body so as to serve as a guard for provisions and arms. After the Spaniards cut them off from Lopez's command, Crittenden's men became disheartened by a lack of food and knowledge of the country. They retreated to the shore and attempted to escape from Cuba in boats, but were captured the second day out. Caldwell, *Lopez Expeditions*, 96, 101.

Havana, given a summary trial, condemned, and shot.⁴ After the execution the dead and dying men were reported to have been left to the fury of an irate Havana mob which performed acts of violence upon them.⁵ The press reaction was one of profound shock for the brutality of the affair,⁶ mingled with grief for the dead.⁷ Immediately there resounded an overwhelming desire for revenge on Spain,⁸ and it was predicted on many sides that the government would be powerless to prevent the many expeditions to Cuba for revenge which would quickly follow.⁹ The recital by the press of the gruesome details of the execution, and the subsequent indignities, aroused the emotions of the people to "the highest pitch of excitement,"¹⁰ until many journals confessed that they had rarely if ever seen the populace so profoundly moved.¹¹ The *Courier* flung forth the banner of the United States with the name of Cuba emblazoned on its fold.¹² Hundreds appeared on the streets with crepe upon their arms, bells tolled,¹³ and from early in the morning until evening minute guns were fired in honor of the heroic dead.¹⁴ All this excitement brought an immense throng on the streets which gathered in groups and became "exceedingly excited" at the Spanish Government for its brutal acts.¹⁵

Other incidents occurring the same day contributed to the furor and heightened the anti-Spanish feeling. Mr. Brincio, secretary of the Spanish consul, arriving on the *Empire City* from Havana, had in his charge letters from the executed prisoners directed to their friends in America.¹⁶ At first the consul intended to forward the letters to the State Department at Washington as

⁴ Crossman to Hunton, *loc. cit.*, 35.

⁵ *Ibid.*, 35; Crossman to Council of Municipality No. 2, August 26, 1851. *Cong. Globe*, 32 Cong., 1 Sess., [XXV], 36; *Picayune*, August 21, 1851; *Crescent*, August 22, 1851; *Bee*, August 23, 1851.

⁶ *Bulletin*, August 22, 1851; *Picayune*, August 21, 22, 1851; *Bee*, August 22, 1851; *True Delta*, August 22, 1851; *Orleanian*, August 22, 1851; Crossman to Council, *loc. cit.*, 36. The *Bee*, August 23, and the *Crescent*, August 22, did not object so much to the executions as they did to the indignities done to the dead and dying by the mobs.

⁷ There were forty Americans in Crittenden's command who were executed. *Picayune*, August 21, 1851. Most of these men were well-known in New Orleans. Webster to Calderon, *loc. cit.*, 32; *Orleanian*, August 22, 1851; *Daily Delta*, August 22, 1851. W. L. Crittenden, Victor Kerr, F. Hersey and Charles Smith, residents of New Orleans, were among the victims. *Daily Delta*, August 22, 23, 1851; *Orleanian*, August 23, 1851.

⁸ *Crescent*, August 22, 1851; *Courier*, August 21, 1851; *Daily Delta*, August 22, 1851; *Picayune*, August 22, 1851.

⁹ *Courier*, August 21, 1851; *Crescent*, August 22, 1851; *Daily Delta*, August 22, 1851.

¹⁰ Crossman to Council, *loc. cit.*, 36; Logan Hunton to Derrick, September 25, 1851, *Cong. Globe*, 32 Cong., 1 Sess., [XXV], 34-35. Hunton's letter was written in his name by E. A. Bradford, Acting District Attorney at New Orleans.

¹¹ *Courier*, August 21, 1851; *Picayune*, August 22, 1851; *Crescent*, August 22, 1851.

¹² *Courier*, August 22, 1851.

¹³ *Crescent*, August 22, 1851.

¹⁴ *Courier*, August 22, 1851; *Picayune*, August 22, 1851; *Crescent*, August 22, 1851.

¹⁵ *Picayune*, August 22, 1851; *Courier*, August 22, 1851.

¹⁶ Hunton to Derrick, *loc. cit.*, 34-35.

was the usual case for persons dying abroad.¹⁷ However many persons in New Orleans called for their letters at the post-office and uttered threats against the consul when they learned he had not deposited the letters there.¹⁸ These angry protests finally influenced the consul and he deposited the letters at the New Orleans post-office in mid-afternoon of the same day,¹⁹ but by that time the riots had gotten under way.²⁰

The immediate signal for the New Orleans riots of August 21, 1851, was furnished by the Spanish newspaper, *La Union*. That organ during its short existence had been an "intemperate and injudicious" sheet²¹ which had consistently levied abuse on beloved Americans and American institutions. Because of its general tactics it had previously drawn the censure of almost every other journal in the city.²² Even on the morning of the day of the riots threatening placards had been posted against *La Union*.²³ Learning of the mob sentiment against the paper, city officials called on the Spanish consul to induce him to suppress *La Union's* extra edition which that paper planned to devote to the executions at Havana. Although the consul gave his secretary these instructions in the presence of the Mayor of the city,²⁴ the extra appeared about 2:30 P. M. Its editorial remarks were reported to have justified the execution of Crittenden's men and exulted over their fate.²⁵ The chief causes of the New Orleans riots may be ascribed to the following events: the news of the brutal indignities done to the Crittenden command, and a recital of these facts by the press with a loud demand for revenge on Spain; the failure of the Spanish consul to deposit immediately letters from the dead men at the New Orleans postoffice; and finally, the vitriolic policy of *La Union* for the whole Cuban movement in addition to its ill-advised extra edition concerning the executions.

¹⁷ *Picayune*, August 22, 1851.

¹⁸ Crossman to Hunton, *loc. cit.*, 36; Hunton to Derrick, *loc. cit.*, 34-35; *Courier*, August 22, 1851.

¹⁹ The letters were received at 3:30 P. M., August 21. The following persons in New Orleans received letters from the filibusters: Stanton and Company, Colonel Robert W. James, Mrs. P. Allen, Daniel Heard, Edmund Doyle, Lucien Hensley, John McGuin, Mrs. Isabella Waters, Lewis J. Tourniquet, Colonel James G. Bryce, Mrs. J. Farzoie, James Hulling, Henry Laney, and Mr. Bunell. See *Sen. Ex. Docs.*, 32 Cong., 1 Sess., No. 1, p. 59.

²⁰ The riots had begun about three P. M. *Picayune*, August 22, 1851; *Bee*, August 22, 1851; Hunton to Derrick, *loc. cit.*, 34-35.

²¹ *Bulletin*, August 22, 1851.

²² *Orleanian*, August 22, 1851; *Bulletin*, August 22, 1851; *Picayune*, August 22, 1851.

²³ Hunton to Derrick, *loc. cit.*, 34-35.

²⁴ Mayor Crossman and Joseph Genois, Recorder of the First Municipality, were the officials. Crossman to Hunton, *loc. cit.*, 35.

²⁵ *Picayune*, August 22, 1851; *Orleanian*, August 22, 1851. Hunton thought that *La Union's* extra edition was fuel on the flame. Hunton to Derrick, *loc. cit.*, 34-35.

La Union was the first Spanish establishment to feel the fury of the mob. It had been rumored that the office of this paper would be attacked in the evening, but the authorities were informed of this plan and moved to forestall any violence.²⁶ The leaders of the riot then determined to attack the place in the afternoon,²⁷ and at about three P. M.²⁸ a crowd gathered at the establishment.²⁹ About twenty-five or thirty persons³⁰ entered the shop, destroyed all the forms, presses, and furniture, threw the type into the street,³¹ and scattered paper for a contemplated edition to the winds.³² The rioters went at their work in cool and determined fashion,³³ and, although no police were there and no arrests made,³⁴ the participants received the "openly avowed sympathies of many citizens" who were spectators.³⁵ No violence was committed on the persons in the establishment,³⁶ although some accounts assert that the editor narrowly escaped severe bodily harm.³⁷ The destruction of *La Union* was largely motivated by a feeling of revenge, but that which followed during the disorder of the day was due in a large measure to the spirit of plunder.³⁸

The general and disorderly rioting which continued almost at will during the rest of that day and until late in the evening, and which resulted in much destruction of property belonging to Spaniards in the city, occurred in the First and Second Municipalities.³⁹ The greatest excitement was in the latter municipality.⁴⁰

²⁶ *Bee*, August 22, 1851.

²⁷ *Ibid.*

²⁸ *Ibid.*; *Picayune*, August 22, 1851. Hunton's report stated that the attack came between three and four o'clock. Hunton to Derrick, *loc. cit.*, 34-35.

²⁹ The office was in Exchange Alley below Conti street.

³⁰ *Bee*, August 22, 1851. The *Picayune*, August 22, 1851, said that it was a small party.

³¹ *Picayune*, August 22, 1851; *Daily Delta*, August 22, 1851; Hunton to Derrick, *loc. cit.*, 34-35; Calderon to Hunton, *loc. cit.*, 33.

³² *Daily Delta*, August 22, 1851.

³³ Crossman to Hunton, *loc. cit.*, 36.

³⁴ Hunton to Derrick, *loc. cit.*, 34-35.

³⁵ Crossman to Hunton, *loc. cit.*, 34-35.

³⁶ Hunton to Derrick, *loc. cit.*, 34-35; *Daily Delta*, August 22, 1851; *Picayune*, August 22, 1851; *Orleanian*, August 22, 1851; *Bee*, August 22, 1851.

³⁷ The presence of the editor's wife and family were reported to have saved him from injury. *Courier*, August 22, 1851; Calderon's report, *loc. cit.*, 33. The *Crescent*, August 22, claimed that the editor barely escaped with his life after Mayor Crossman interceded for him.

³⁸ *Bulletin*, August 23, 1851.

³⁹ *Courier*, August 23, 1851. Due to the miscellaneous population of New Orleans, the State Legislature in 1836 imposed a curious charter on the city. New Orleans was divided into three separate municipalities, each of which had a distinct government, police force, etc. However the three municipalities had a common Mayor and General Council. William W. Howe, "Municipal History of New Orleans," *Johns Hopkins University Studies in Historical and Political Science*, VII (Baltimore, 1889), 159-187; A. Oakley Hall, *The Manhattaner in New Orleans, or Phases of "Crescent City" Life* (New York, 1851), 34-35. Such an arrangement lasted until April, 1852, when the three municipalities and the suburb of Lafayette were consolidated and given a new charter. Kendall, *History of New Orleans*, I, 172; Howe, *loc. cit.*, 159-187.

⁴⁰ *Orleanian*, August 22, 1851. The First Municipality was the old narrow and dirty city left to the French and Creoles. The Second Municipality was the American section and was inhabited by Anglo-Saxons and Irish. The Third Municipality was half a village, half a city. It was peopled by Dutch, Irish, and Spanish. Hall, *Manhattaner in New Orleans*, 35-36; *Crescent*, April 8, 1850.

The Third Municipality remained quiet but was apprehensive because the firing of cannon and ringing of bells produced a belief that the cannon was being discharged by the rioters.⁴¹ During the day there was much confusion as the rioters paraded unsystematically from place to place, and small detachments separated themselves from larger bodies. The fact that disturbances were simultaneously occurring in different parts of the city, coupled with the indifference or encouragement given the rioters by many of the citizenry, made it extremely difficult for the police to suppress them.⁴² The only note of method observed about the rioting was that all demonstrations and destruction were committed at business establishments of Spaniards, some of whom were notoriously friendly to Spain. Not all of the places which the crowd visited were even partially destroyed,⁴³ but this fact was due to the pleadings of private citizens,⁴⁴ the Mayor and city officials,⁴⁵ and occasional police interference.⁴⁶ But very few arrests were made throughout the day,⁴⁷ and the crowd, after good-naturedly listening to the pleadings of officials,⁴⁸ visited and destroyed other Spanish business establishments throughout the city.⁴⁹ Violence occurred when Gonzales' cigar store was visited,⁵⁰ and both Gonzales and an unruly crowd lost their tempers.⁵¹ After this attack the crowd increased to a "countless multitude."⁵² There was also some bloodshed when a large crowd invaded and destroyed the Spanish vegetable market of the First Municipality.⁵³ Before the riots had run their course virtually a dozen Spanish coffeehouses, ale shops,

⁴¹ *Orleanian*, August 22, 1851.

⁴² See footnotes 96 and 97 of this chapter.

⁴³ Crossman to Hunton, *loc. cit.*, 36, stated that not one-fourth of the places visited were attacked.

⁴⁴ *Courier*, August 22, 1851; *Daily Delta*, August 23, 1851. J. M. Caballero publicly thanked Judge Alexander Walker "of the Delta" for preventing the destruction of his property. *Picayune*, August 30, 1851.

⁴⁵ Mayor Crossman and Sheriff Lewis forestalled the destruction of a Spanish coffeehouse at the corner of Poydras and Tchoupitoulas by urging the mob to respect the law. Crossman to Hunton, *loc. cit.*, 36; *Picayune*, August 22, 1851; *Bee*, August 22, 1851. Recorder Genois and Major-General Lewis dissuaded the crowd from violating Spanish White Hall. *Daily Delta*, August 23, 1851; *Bee*, August 22, 1851.

⁴⁶ The military partly dispersed the crowd after Hernandez's cigar store was "completely devastated." *Daily Delta*, August 23, 1851. The police interfered successfully to prevent violence at the Two World's Exchange. *Daily Delta*, August 23, 1851.

⁴⁷ *Picayune*, August 22, 1851; *Daily Delta*, August 23, 1851; *True Delta*, August 23, 1851. The classic example of the inefficiency of the authorities occurred when Genois, Recorder of the First Municipality, and the police found seven or eight persons doing violence to the Spanish consulate and persuaded them to withdraw. No arrests were made. See footnote 60 of this chapter.

⁴⁸ *Picayune*, August 22, 1851.

⁴⁹ *Ibid.*; *Courier*, August 22, 1851; *Daily Delta*, August 23, 1851.

⁵⁰ Gonzales was one of those Spaniards known to be bitter against the filibusters. Hunton to Derrick, *loc. cit.*, 35; *Picayune*, August 22, 1851. His store was on the corner of Gravier and St. Charles in the Second Municipality. *Orleanian*, August 23, 1851; *Bee*, August 22, 1851.

⁵¹ Hunton to Derrick, *loc. cit.*, 35.

⁵² *Bee*, August 22, 1851.

⁵³ Four persons were reported to have been wounded in the fray. *Orleanian*, August 22, 1851. The *Daily Delta*, August 23, made no note of any violence done to persons.

and cigar stores were partially or entirely destroyed.⁵⁴ The total damage done to this property was officially estimated to have been from twenty to twenty-five thousand dollars.⁵⁵

The office of the Spanish consul was also to feel the full force of the riots. The consul, J. J. Laborde, asserted that his call to Mayor Crossman and Recorder Genois for military protection "was evaded in various ways," and, believing himself abandoned by the authorities and militia reported to have been very hostile toward Spain, he left his post to hasten to the home of a friend.⁵⁶

Between five and six P. M. Recorder Genois learned that the Spanish consulate was being threatened by a mob.⁵⁷ Arriving there he found a great crowd in the street outside the consulate,⁵⁸ the doors to the office broken open, and a group of seven or eight persons inside breaking the furniture. With great difficulty Genois at last persuaded the rioters to desist and withdraw without having done any serious damage. No arrests were made, and the place was merely nailed up and left without police guard. While the police went to other scenes of disorder,⁵⁹ the crowd seized the consul's sign and the Spanish flag and publicly burnt them at Lafayette Square.⁶⁰ Meanwhile a headless effigy of the Spanish consul was borne through the principal streets.⁶¹ Within an hour after the repulsion of the first attack the rioters returned to the consulate and proceeded to wreck the place completely.⁶² The archives were destroyed or dumped into the street, the furniture was demolished, and portraits of the Captain-General of Cuba and the Queen of Spain were defaced.⁶³ This time there was no interference at all from the police, and no despoiler of the consulate was

⁵⁴ Calderon de la Barca included the fullest and probably most accurate report of the extent of the total damage by the rioters. See Calderon to Derrick, *loc. cit.*, 34. Also consult the *Bee*, August 22, 1851; *Picayune*, August 22, 1851; *Daily Delta* August 22, 23, 1851.

⁵⁵ Property damage in the First Municipality was estimated to have been from \$6,000 to \$7,000 and that of the Second Municipality from \$10,000 to \$20,000. Hunton to Derrick, *loc. cit.*, 35.

⁵⁶ Laborde claimed that he was advised to leave his office by Mayor Crossman and Recorder Genois. Calderon to Hunton, *loc. cit.*, 34. Mayor Crossman subsequently asserted that he had not seen Laborde after the riots had broken out. Crossman to Hunton, *loc. cit.*, 36. Before the outbreak he had assured Laborde that he need have no fear for his safety. *Picayune*, September 23, 1851.

⁵⁷ Hunton to Derrick, *loc. cit.*, 35.

⁵⁸ The consulate was in the First Municipality on Bourbon street near St. Louis. Hunton, *loc. cit.*, 35; *Bee*, August 22, 1851.

⁵⁹ Hunton, *loc. cit.*, 35.

⁶⁰ *Daily Delta*, August 22, 1851; Calderon to Hunton, *loc. cit.*, 33-34, stated that Genois himself tore down the sign to appease the mob. Hunton to Derrick, *loc. cit.*, 35, declared that the flag was torn to bits during the second attack on the consulate.

⁶¹ *Daily Delta*, August 22, 1851. The Spanish consul at Mobile reported Laborde was burnt in effigy. Spanish consul at Mobile to Calderon, August 22, 1851, in *Cong. Globe*, 32 Cong., 1 Sess., [XXV], 33.

⁶² Hunton to Derrick, *loc. cit.*, 35.

⁶³ *Ibid.*, 35; Calderon to Hunton, *loc. cit.*, 33-34; *Daily Delta*, August 23, 1851.

later identified.⁶⁴ So great was the violence offered to the place that the *Courier* concluded that not even bayonets would have prevented the outburst against the consulate.⁶⁵

Due to the spontaneous riots and continued general disorder at eleven P. M.,⁶⁶ the city authorities at last took decisive steps to quell the outbreaks.⁶⁷ Mayor Crossman issued a proclamation calling on all law-abiding citizens to aid the authorities in restoring order,⁶⁸ the military was called out,⁶⁹ force was used, and the riots broken up by midnight.⁷⁰ It was accounted significant that in no instance was resistance offered the police and that quiet returned as soon as arrests were made.⁷¹ The military remained under arms Thursday night, August 21. The following day Crossman invited citizens to join special police for patrol duty,⁷² and again the military was on duty all night.⁷³ Certain citizens and establishments who had appealed to the Mayor for protection received it.⁷⁴ On Friday evening large crowds gathered at Municipal Hall and at King's Pavillion. They seemed anxious for further revenge, but private citizens and city officials half-persuaded and half-forced the crowds to disperse. Small groups then wandered around the city piercing the night by their wild cries.⁷⁵ Although the revenge motive was still present in the minds of many no further damage was done, and any danger of renewal of the riots was precluded.⁷⁶

The New Orleans press was unanimous in its conviction that by far the greatest portion of destruction committed during the

⁶⁴ Hunton to Derrick, *loc. cit.*, 35.

⁶⁵ *Courier*, August 22, 1851.

⁶⁶ Crossman to Council, *loc. cit.*, 36.

⁶⁷ Early in the afternoon provision had been made to have the military in readiness, but they were not called into service until Crossman's action at eleven P. M., at which time the riots had almost spent themselves. *Picayune*, August 22, 1851; *Bee*, August 22, 1851.

⁶⁸ Proclamation by Mayor Crossman, *Sen. Ex. Docs.*, 32 Cong., 1 Sess., No. 1, p. 56; *Picayune*, August 22, 1851.

⁶⁹ Crossman to Henry Forno, High Constable of Municipality No. 2, August 21, 1851, in *Sen. Ex. Docs.*, 32 Cong., 1 Sess., No. 1, p. 55; Crossman to Major-General G. L. Lewis, Commander of Louisiana Militia, in *ibid.*, p. 55.

⁷⁰ Crossman to Hunton, *loc. cit.*, 36. The last arrests were made at midnight. See footnote 84 of this chapter.

⁷¹ Hunton to Derrick, *loc. cit.*, 35; Crossman to Council, *loc. cit.*, 36; *Daily Delta*, August 23, 1851; *Weekly Delta*, August 25, 1851.

⁷² Crossman to Council, *loc. cit.*, 36; Crossman to J. N. Hawthorn, Acting Recorder of Second Municipality, in *Sen. Ex. Docs.*, 32 Cong., 1 Sess., No. 1, p. 56; *Picayune*, August 22, 1851.

⁷³ Crossman to Council, *loc. cit.*, 36; Crossman to Forno, August 22, 1851; *loc. cit.*, 57.

⁷⁴ Crossman to Hawthorn, *loc. cit.*, 56; Crossman to Hunton, *loc. cit.*, 36. The office of the *True Delta* was patrolled by request. Crossman to Council, *loc. cit.*, 36; Crossman to Forno, *loc. cit.*, 57.

⁷⁵ *Courier*, August 23, 1851.

⁷⁶ Crossman thought that if it were not for the very decided measures which he took the next day and the hearty response made by the citizens to them, there would have been a renewal of the riots of the previous day. Crossman to Hunton, *loc. cit.*, 36.

riots was attributable to the lower and more desperate classes of persons. The press was uniform in its assertion that the several hundred filibusters in the city were innocent of any participation in the riots,⁷⁷ and it was pointed out that the Kentucky filibusters served as special constables to maintain the peace.⁷⁸ All journals declared that few if any citizens of standing in New Orleans had engaged in the *melée*.⁷⁹ It was asserted that a floating population⁸⁰ of ruffians and thieves⁸¹ had taken advantage of the national feeling of insult felt in the city⁸² to plunder and steal.⁸³ A check on persons jailed for rioting revealed that the only arrests effected were those of persons recognized as undesirable citizens. In the Second Municipality a group of forty rioters was apprehended at twelve o'clock midnight while many of them were actually in the act of destroying property.⁸⁴ These men of whom there was a large Irish element were sent to Alderman Hawthorn's court and there recognized as vagrants and "old offenders."⁸⁵ Thirty-three of these men who were seen destroying property were sent to Judge Larue's court for final disposition.⁸⁶ Forty-seven arrests were made in the First Municipality and these were discovered to be persons of the lower element who were charged with theft.⁸⁷

The scope and duration of the riots were attributed by the press to the paralysis and inertia of the local authorities. This fact, coupled with the indifference or amusement of the public,

⁷⁷ *Bulletin*, August 23, 1851; *True Delta*, August 23, 1851; *Daily Delta*, August 23, 1851; *Weekly Delta*, August 25, 1851. The *Picayune*, August 22, 1851, noted that the police were determined to keep the filibusters out of the *melée* and searched for them in the crowd, forcibly taking away the two or three who were engaged in the riots.

⁷⁸ *Daily Delta*, August 22, 1851; *Weekly Delta*, August 25, 1851; *Picayune*, August 22, 23, 1851; Quisenberry, *Lopez Expeditions*, 71.

⁷⁹ *Picayune*, August 23, 1851; *Orleanian*, August 23, 1851; *Bee*, August 23, 1851. J. M. Caballero, Spaniard whose property was saved in large part by Judge Walker, printed his conviction that but few of the permanent population in the city had participated in the riots. *Picayune*, August 30, 1851.

⁸⁰ *Picayune*, August 22, 1851; *Bee*, August 23, 1851; *True Delta*, August 26, 1851.

⁸¹ *Picayune*, August 22, 1851; *Orleanian*, August 23, 1851; Hunton to Derrick, *loc. cit.*, 35. The *True Delta*, August 26, claimed that the disturbances were created by ruffians who had made their headquarters at New Orleans since the Mexican War and the discovery of gold in California.

⁸² *Picayune*, August 22, 1851.

⁸³ *Ibid.*; *Orleanian*, August 23, 1851; *True Delta*, August 26, 1851. Hunton to Derrick, *loc. cit.*, 35, noted that after the attack on the consulate, thieves and vagrants had committed all the damage. The *Picayune*, August 22, stated that spectators assured them that "the damage was done by a comparative few."

⁸⁴ *Picayune*, August 22, 1851. The arrests were made at the corner of Julia and Magazine.

⁸⁵ *Bulletin*, August 23, 1851; *Orleanian*, August 23, 1851; *Daily Delta*, August 23, 1851; *Picayune*, August 22, 1851. None of the forty was a filibuster. *Picayune*, August 22, 1851. For the names of the rioters see the *Daily Delta*, August 23, 1851.

⁸⁶ *Picayune*, August 22, 1851; *Daily Delta*, August 23, 1851. Judge I. N. Lea presided in the absence of Larue and ordered that these offenders be each bailed for the sum of seven hundred dollars. There was a liberal sprinkling of Ryans, Duffys, Kellys, Caseys, Callaghans, and Burks among the prisoners. See the record book for August 25, 26, September 8, 10, 1851, in the record room (attic) of the Clerk's Office, Criminal District Court for the State of Louisiana, Parish of Orleans.

⁸⁷ See the *Daily Delta*, August 23, 1851, and the *Courier*, August 22, 1851, for the names of these men. There was also a considerable Irish element in this group of rioters.

made it possible for the rioters to parade at will over the entire city, wreaking their destruction wherever they chose. Unquestionably the outbreak of the riots had caught the civic authorities unprepared.⁸⁸ Their first action was to swear in special constables, but of all sworn in few felt the obligation to act.⁸⁹ Although the militia was ordered to hold itself in readiness at five P. M., it was not called out until eleven P. M. when the force of the riots had almost spent itself.⁹⁰ The press was further of the opinion that no organized attempt was made to stop the riots,⁹¹ and believed that a concerted action early in the day would have quelled the disorders.⁹² The civic authorities from the Mayor to the police drew severe censure for their inefficient action during the crisis.⁹³ Although some clear-thinking citizens did dissuade the mob from violence at isolated points in the city,⁹⁴ the majority of the spectators were either disaffected, or amused and encouraged the rioters.⁹⁵ This public attitude was said to have greatly hampered effective action by the police.⁹⁶

Every journal in the city unequivocally condemned the disgraceful riots which violated property rights, and law and order,⁹⁷ and some papers pointed out that such deplorable actions harmed the sacred cause of Cuban freedom.⁹⁸

The New Orleans riots are very significant as an agency for determining to what extent the anti-Spanish hatred in the city could be aroused. The causes, nature, and scope of the uprising are worthy of note. It is apparent that the press was in a large measure responsible for the outbreaks because of its demand for an immediate vengeance on Spain. This indictment must stand, although it is true that the press contemplated attacks on Spanish Cuba, and not anti-Spanish disturbances in the city itself. The

⁸⁸ *Picayune*, August 22, 1851; Hunton to Derrick, *loc. cit.*, 35.

⁸⁹ *Picayune*, August 22, 1851.

⁹⁰ See footnote 67 of this chapter.

⁹¹ *Courier*, August 22, 1851; *Daily Delta*, August 23, 1851; *Crescent*, August 30, 1851; *Bulletin*, August 22, 1851; *Picayune*, August 22, 1851.

⁹² *Bulletin*, August 23, 1851; *Crescent*, August 30, 1851.

⁹³ *Daily Delta*, August 23, 1851; *Weekly Delta*, August 25, 1851; *Bulletin*, August 22, 1851; *Picayune*, August 22, 1851; *True Delta*, August 23, 1851. The *Crescent*, August 30, 1851, stated that the New Orleans police force numbered 1,250 men, fifty of whom could have suppressed the riots at any time.

⁹⁴ *Daily Delta*, August 23, 1851; *Courier*, August 23, 1851.

⁹⁵ *Picayune*, August 22, 1851; Crossman to Council, *loc. cit.*, 36.

⁹⁶ Crossman to Council, *loc. cit.*, 36.

⁹⁷ *Orleanian*, August 23, 1851; *Picayune*, August 22, 26, 1851; *Bee*, August 22, 23, 29, 1851; *Bulletin*, August 22, 1851; *Daily Delta*, August 22, 23, 24, 1851; *Courier*, August 22, 1851; *Picayune*, August 22, 1851; *Crescent*, August 30, 1851.

⁹⁸ *Picayune*, August 22, 1851; *Daily Delta*, August 22, 23, 1851.

deprecation of the riots by the press was too spontaneous and universal to be seriously questioned. Undoubtedly the civic authorities were unprepared for such an emergency. Separate police action in the three municipalities was not calculated to increase its effectiveness, but it made for disorganization and confusion. At the outset the authorities appeared unwilling to take vigorous action for they did not attempt to employ the available militia. This hesitancy may probably be accounted for on the ground that these local officials shared the mob's hatred of Spain and were not unwilling to see *La Union* and the Spanish consulate feel the outraged wrath of Americans for the Crittenden executions, or because they were loath to arrest certain prominent citizens who may have been active in the early disorders when revenge against Spain was the sole motive. All accounts agree that the riots could have been quelled at first by effective measures, but during the whole course of the affair there was absolutely no concerted police action until late in the evening. The authorities merely urged the crowd to disperse and cease destruction. No arrests were made at isolated moments when the police interfered. Later the riots got completely out of hand because of the increasing number of participants, and the spontaneity of the disturbances in different parts of the city while the public looked on indifferently, or helplessly, or approvingly. Thus the great, shifting mob was left intact for eight hours to wander from one Spanish establishment to another committing vandalism where conditions were most opportune. The destruction of *La Union* and the consulate was dictated solely by purposes of revenge, and all citizens were declared to have felt such sentiments. Consequently it is not at all unlikely that persons of some prominence in the city participated in at least one of the two attacks. That may explain the fact that Recorder Genois and the police made no arrests at the office of the consulate although surprising a few men there in acts of vandalism. Further disorder was invited at the consulate by the failure to post a police guard after the rioters had been persuaded to withdraw. Quite naturally the crowd returned shortly and completed the interrupted destruction. The press universally exonerated the filibusters and the permanent population, and attributed the disorders to the lower and more ignorant classes. The only arrests made were of persons recognized as old offenders, but these arrests were effected late in the evening after the revenge motive had been supplanted by that of plunder. It was acknowl-

edged by all that as soon as concerted police action was resorted to, and numerous arrests occurred, order was quickly restored. That fact makes the impotent police measures loom all the more culpable.

CHAPTER VII

AFTERMATH OF THE RIOTS

"American blood has been shed. It cries aloud for vengeance—vengeance on the tyrant!... blood for blood! Our brethren must be avenged! Cuba must be seized!" *Courier*, August 21, 1851.

Immediately after the riots the vengeance of New Orleans was directed against Spanish Cuba, and the city was occupied for a two-week period in an attempt to finance and equip an expedition of revenge against the island. There was no dearth of available men, and there was great public enthusiasm in support of the Cuban venture. Although this movement absorbed for a time the entire attention of the people, the financial collection drive proved to be a failure largely because of the dull business season, and the enforced sustenance of the two thousand filibusters in the city. When news was received of the complete rout of Lopez's forces and the execution of their leader, an immediate reaction was manifested against further expeditions to Cuba. The Cuban movement of *révanche* was then abandoned by New Orleans under a cloud of gloom and bitterness.

The day following the riots New Orleans was still convulsed with grief and rage over the Crittenden execution,¹ but its anger was no longer directed against innocent Spanish residents in the city² but very visibly turned against the Spanish in Cuba.³ Regardless of the press attitude in New Orleans before the riots the news of the massacre of the filibusters had united all the press and the public in denouncing the perpetrators of the crime,⁴ and after that time there was no one in the city who opposed Cuban liberation.⁵ A warlike atmosphere pervaded⁶ as hundreds of

¹ *Bee*, August 23, 1851; *Daily Delta*, August 23, 1851; *True Delta*, August 23, 1851.

² *Daily Delta*, August 23, 1851.

³ *Courier*, August 23, 1851; *Daily Delta*, August 23, 1851; *Orleanian*, August 23, 1851; *Bee*, August 23, 1851; Jesse W. Boyd, "Lopez's Expedition to Cuba," *Gulf States Historical Magazine* (Birmingham, Alabama, 1902-1904), II (1904), 341.

⁴ *Crescent*, August 25, 1851.

⁵ *Bee*, August 23, 1851; *Orleanian*, September 7, 1851. The idea of Cuban annexation was discussed again at this time but the prevailing sentiment seemed to be with the *Bee*, August 28, 1851, and the *Courier*, August 30, 1851; when those organs declared that Cuban independence must be attained before the question of Cuban annexation could be considered.

⁶ *Bee*, August 25, 1851.

additional filibusters poured into the city,⁷ and the press led loud demands for an expedition of revenge against Spain.⁸ It was confidently declared that this expedition would be of such determination and proportion, and so supported by the outraged voice of the people that it would "laugh to scorn proclamations of amity and treaty stipulations."⁹ In the preparations for the expedition Federal laws were disregarded,¹⁰ and there was no official interference to arrest these preparations.¹¹ Money especially was needed and the press addressed stirring calls to the people to contribute.¹² Although this popular advocacy of a revenge expedition was contrary to the position of the administration, the latter was not without its champions among the press at New Orleans. Fillmore's past opposition policy to the expedition was defended as necessary and just,¹³ and several journals sternly cautioned that another expedition should not be sent to Cuba unless it were made on a scale of such magnitude as would insure it against earlier disasters.¹⁴

The public in the city was extremely quick to respond to the call of the press for revenge against Spain in Cuba. The night of the riots there was an immense Cuban mass meeting at Lafayette Square, and "the excitement was irresistible, overwhelming."¹⁵ M. M. Reynolds, District Attorney, Colonel Field, Colonel Wheat, and Judge Walker addressed the crowd, begging for a suppression of the riots, and urged the direction of the hostility of the populace toward Spanish authority in Cuba.¹⁶ The speakers were often interrupted by great bursts of applause which showed the determination of the people to support such a movement,¹⁷

⁷ *Crescent*, August 29, 1851. The *Daily Delta*, August 22, 1851, stated that five thousand men could be transported from New Orleans in twenty-four hours if steamers were available.

⁸ *Daily Delta*, August 22, 24, 1851; *Orleanian*, August 23, September 6, 7, 1851; *Bee*, August 23, 1851.

⁹ *Bee*, August 23, 1851. See the *Daily Delta*, August 22, 1851; *Orleanian*, September 4, 6, 1851.

¹⁰ *True Delta*, September 3, 1851.

¹¹ The *Orleanian*, September 7, 1851, advocated that Congress should immediately repeal all laws so construed as to prohibit the intervention of the people of the United States in Cuba. The *Courier*, August 25, 1851, advocated popular mass meetings everywhere to disapprove of the president's policy of suppression of the expeditions to force him to submit to the popular will.

¹² *Crescent*, August 29, 1851; *Daily Delta*, August 22, 24, 1851; *Courier*, August 25, September 3, 4, 1851.

¹³ *Orleanian*, August 26, 1851; *Crescent*, August 28, September 15, 1851; *Bulletin*, August 28, September 6, 1851; *True Delta*, August 30, 1851.

¹⁴ *Picayune*, August 24, 1851; *Crescent*, September 2, 1851; *Orleanian*, August 28, 1851.

¹⁵ *Courier*, August 22, 1851. See also the *Daily Delta*, August 22, 1851. The *Picayune*, August 22, 1851, said that the huge throng had assembled there nearly two hours before the scheduled time.

¹⁶ *Picayune*, August 22, 1851; *Bee*, August 22, 1851; *Daily Delta*, August 22, 1851.

¹⁷ *Daily Delta*, August 22, 1851.

and resolutions were drawn up which provided for a revenge expedition to Cuba, and a liberation of the island.¹⁸ In a very few days a Cuban committee of thirty-three men had been appointed,¹⁹ which in turn placed the whole direction of Cuban affairs into the hands of General Felix Houston.²⁰ An office of the Cuban committee for subscriptions was then opened to receive donations.²¹ When that measure failed to achieve the desired results, a great mass meeting was held at Banks' Arcade, August 26, for the purpose of electing a committee which would go *en masse* to all business establishments to collect money for the Cuban enterprise.²² The crowd was of such great size that only a small portion of those assembled could find standing room inside the building.²³ The Adjutant General of Louisiana, Horatio Davis, presided, Colonel Wheat, and Major Fraser made speeches in favor of obtaining vengeance in Cuba and were loudly applauded.²⁴ Cuban fervor seized the populace as the Washington company of artillery in a solemn ceremony at "The Oaks" honored the memory of the Crittenden men,²⁵ Cuban songs were composed,²⁶ Cuban benefit performances were given,²⁷ coffeehouses,²⁸ and barrooms contributed a day's receipts to the Cuban venture,²⁹ and other business establishments and private citizens donated to the cause.³⁰ It was soon observed that despite the popular enthusiasm there was an extreme difficulty in obtaining money for equipping and launching the expedition, but this was attributed to the extremely dull business season.³¹ Many of the contributions came from mer-

¹⁸ *Ibid.*

¹⁹ See *ibid.*, August 24, 1851, for a list of the men serving on the Cuban committee.

²⁰ *Picayune*, August 24, 1851; *Daily Delta*, August 24, 1851.

²¹ *Daily Delta*, August 24, 1851. Houston immediately issued an appeal for financial aid, affirming that there was no lack of available men for the expedition. *Daily Delta*, August 23, 1851.

²² *Picayune*, August 27, 1851; *Daily Delta*, August 27, 1851. See the *Daily Delta* for the names of the committeemen appointed.

²³ *Daily Delta*, August 27, 1851. The *Picayune*, August 27, 1851, said that hundreds of persons who could not force a passage into the mass within the building filled the banquettes. See also the *Crescent*, August 27, 1851; *Courier*, August 27, 1851.

²⁴ *Daily Delta*, August 27, 1851; *Crescent*, August 27, 1851.

²⁵ Judge Alexander Walker also participated in the ceremony. *Daily Delta*, September 2, 1851; *Picayune*, September 1, 1851. The Third Company of the Battalion of Artillery also expressed deep sorrow for the Crittenden men and especially for a member of their company, J. P. Salmon, who had enlisted in the expedition. *Daily Delta*, August 26, 1851.

²⁶ *Crescent*, September 2, 1851.

²⁷ *Daily Delta*, August 30, 31, September 3, 4, 1851; *Picayune*, September 2, 1851. The *Courier*, August 25, 1851, was one of the first to advocate this policy.

²⁸ *Courier*, September 4, 1851.

²⁹ *Daily Delta*, August 27, 1851.

³⁰ A list of six ladies of New Orleans who had contributed to the Cuban fund was given by the *Daily Delta*, August 26, 1851.

³¹ *Orleanian*, August 28, 1851; *Courier*, September 4, 1851. The *Courier*, September 4, thought that a solution for this problem would be a dollar collection campaign, asserting that every man in the city would give that amount.

chants who were willing to subscribe for the venture only on assurance that steamers had been purchased or chartered, and that the filibusters would leave in a certain length of time, their subscriptions to be returned in case of the failure of the parties to leave.³² Although the Cuban committee continued their contribution drive in New Orleans and southern Louisiana until September 7, their total collection amounted to somewhat less than eight thousand dollars, with a little less than five thousand being contributed by the city itself.³³ Since all but about two hundred dollars of this amount had been expended to sustain the filibusters in the city, the collection drive had been a failure.³⁴

In the interim, so absorbing had the Cuban question become and so vitriolic were the attacks of some Democratic organs on the Fillmore administration,³⁵ that the Whig journals in the city complained that the *Courier* and the *Delta* were trying to make the Cuban question serve party purposes by railing against the Whig administration's Cuban policy.³⁶ The Democratic journals defended themselves against this charge saying that Fillmore's adamant opposition was not a representative one of the Whigs.³⁷ So paramount did the Cuban question become that some journals observed that no interest in the local November elections had yet been shown.³⁸

With all the agitation in the city for an expedition to Cuba it was natural that the fortunes of Lopez there should have been an object of general interest.³⁹ After the initial horror caused by

³² *Daily Delta*, September 3, 7, 1851. One man gave a hundred dollar subscription to the Cuban cause payable when fifty other persons matched it. *Daily Delta*, September 3, 1851.

³³ The actual figures were \$4,885.74 contributed by New Orleans, \$2,272.60 collected from country regions, and only \$700 from the sale of Cuban bonds. *Bee*, September 9, 1851. See also the *Daily Delta*, September 14, 1851. This report was signed by Isaac W. Marks, George Christy, and S. W. Oakley.

³⁴ *Picayune*, September 7, 1851; *Bee*, September 9, 1851.

³⁵ *Courier*, July 26, August 8, 13, 19, 1851; *Daily Delta*, July 15, August 28, September 11, 12, 1851. The latest attack on the administration began with bitter indictments of the American consul at Havana, A. F. Owen who was reported to have made absolutely no intercession in behalf of Crittenden's men. See the *Orleanian*, August 24, September 7, 1851; *Daily Delta*, August 27, 1851; *Picayune*, August 22, 1851; *Crescent*, August 22, 1851. Naturally when Owen's lamentable action and the administration's weak foreign policy were linked up by Democratic journals, the Whig organs were quick to defend Fillmore.

³⁶ *Orleanian*, August 26, 27, September 9, 1851; *Bulletin*, September 6, 1851; *Bee*, August 27, 1851; *Crescent*, August 25, 1851.

³⁷ *Courier*, August 8, 27, 1851. The *Weekly Delta*, September 1, 1851, declared that some of the leading spirits of the Cuban movement in New Orleans were Whigs. The fact that the Whigs were not completely united in opposing the Cuban movement is indicated by the fact that in the Whig convention for the nomination of the district Whig candidate for Congress, Mr. St. Paul's resolution to annex Cuba failed by a vote of seventeen to eleven. *Daily Delta*, September 24, 1851.

³⁸ *True Delta*, September 2, 1851; *Bee*, August 26, September 2, 1851.

³⁹ It was hoped that the revenge expedition launched from New Orleans could effect a junction with Lopez's forces, but news of Lopez's death caused an immediate abandonment of this scheme. See footnotes 47-50 of this chapter.

information of the Crittenden executions, the city began to defend or attack Lopez's voluntary separation from Crittenden's command,⁴⁰ and to speculate over the fate of Lopez and his men.⁴¹ As days passed and only contradictory reports were received in the city,⁴² the anxiety over Lopez's command steadily increased,⁴³ but some journals conceded that the latest reports showed an ill omen for Lopez.⁴⁴ It was not until September 4 that the ship *Cherokee* brought the dismal news of the complete defeat, dispersion, and capture of Lopez's command, and the execution of the Cuban general.⁴⁵ With the reception of this information the entire city was covered with gloom and thrown into deep consternation.⁴⁶ Almost immediately there was a definite reaction in the city against further expeditions to Cuba. Such ventures were no longer advocated or held as a possibility by the press,⁴⁷ and it was recognized that they could only result in further reprisals and needless sacrifice of lives.⁴⁸ Simultaneously the press asserted that the filibusters, of whom there were approximately two thousand in the city at that time,⁴⁹ should break camp and leave for their homes.⁵⁰ The dissolution of this body of men began about September 6.⁵¹ After some slight disturbances in the city following the demands of the filibusters for payment of their passage home,

⁴⁰ The *Daily Delta*, August 27, 1851, defended the division on grounds of stern necessity. However the *True Delta*, August 24, 27, 1851, roundly criticized Lopez's judgment and action in this regard.

⁴¹ *Bulletin*, August 22, 1851; *Bee*, August 25, 1851. The *Orleanian*, August 23, 1851, declared that it was not greatly concerned over Lopez since Crittenden's men were the flower of the expedition and best known in New Orleans.

⁴² *Picayune*, August 27, September 2, 3, 1851; *Orleanian*, September 2, 3, 1851.

⁴³ *Picayune*, August 30, 1851; *True Delta*, August 31, 1851. On September 4, the *Picayune* in its evening edition gave virtually the entire front page over to Cuban news of Lopez and the revolution. This was very unusual for the front page of New Orleans papers at that time was usually devoted to advertisements, governmental and foreign news.

⁴⁴ *Bulletin*, September 3, 1851; *Orleanian*, September 3, 1851; *Bee*, September 3, 1851.

⁴⁵ Lopez's forces were completely overwhelmed near the city of San Cristobal, Cuba, on August 25, 26. Those filibusters not killed on the battle field were taken captives and Lopez was among these. The Cuban general died by the garrote at Havana about September 1. All other prisoners were eventually pardoned by Queen Isabella of Spain. Caldwell, *Lopez Expeditions*, 111-113.

⁴⁶ *Picayune*, September 4, 1851; *Courier*, September 5, 1851; *Orleanian*, September 5, 6, 1851; *Daily Delta*, September 5, 1851; *Weekly Delta*, September 8, 1851. The *Crescent*, September 5, 1851, thought the news "melancholy and startling"; the *Bee*, September 5, 1851, called the information "disastrous." The *True Delta*, September 5, 1851, was the least affected of all for it casually stated that it was not surprised at the end of the mad adventure.

⁴⁷ *Orleanian*, September 9, 1851; *Crescent*, September 6, 1851; *Bee*, September 6, 1851; *Picayune*, September 6, 1851.

⁴⁸ *Bee*, September 6, 1851; *Picayune*, September 6, 1851.

⁴⁹ The *Picayune*, September 7, 1851, estimated the number of filibusters at two thousand. The *Bulletin*, September 8, 1851, believed only fifteen hundred were in the city, but the *Daily Delta*, August 26, 1851, claimed that three thousand were there. The number undoubtedly would have been greater if the city press had not cautioned filibusters against coming to New Orleans unless they would pay their own expenses. See the *Daily Delta*, August 27, 1851; *Orleanian*, August 28, 1851; *Picayune*, September 7, 1851.

⁵⁰ *Bee*, September 6, 1851; *Crescent*, September 6, 1851.

⁵¹ *Daily Delta*, September 7, 1851; *Picayune*, September 7, 1851.

and the inability of the Cuban committee to furnish the requisite money,⁵² the filibusters were dispersed by the police and the decampment was carried through without further disorder.⁵³ With the exodus of these men from New Orleans to their respective homes the active idea nurtured by the city of an expedition of *révanche* against Spanish Cuba was brought to an unsuccessful termination.

The Crittenden executions and the subsequent disasters in Cuba inevitably gave rise to a discussion of the motives of the filibusters and their leaders, and the cause for the failure of the venture. The *True Delta* definitely charged that certain New Orleans citizens and journals⁵⁴ had gotten the expedition together and were wholly responsible for it.⁵⁵ Many queries were voiced as to whether the people had been deceived as to the scope of the Cuban revolution, and whether the Cuban revolution had been fomented in America.⁵⁶ By far the greater portion of the press confessed that before the *Pampero* had sailed, it believed the favorable reports of the Cuban revolution to have been reliable,⁵⁷ and credited the filibusters and their leaders with the most generous motives.⁵⁸ With the single exception of the *True Delta* the New Orleans press attributed the abject demise of the Cuban venture to failure of the Cuban Creoles to coöperate with Lopez. The *Courier* excused this on the ground that although the Creoles wanted to aid Lopez, the rigid Spanish surveillance had prevented them from obtaining arms and flocking to his banner.⁵⁹ The fact remained that Cuban apathy or hostility toward Lopez's men was severely condemned by many journals,⁶⁰ and it was conceded that the universal distrust of the Creoles by Americans rendered

⁵² *Picayune*, September 7, 1851; *Bee*, September 9, 1851; *Crescent*, September 8, 1851; *Orleanian*, September 7, 1851.

⁵³ *Picayune*, September 7, 1851; *Bee*, September 9, 1851; *True Delta*, September 7, 1851.

⁵⁴ The *True Delta*, September 9, 1851, specifically accused the *Picayune*, and other less influential although desperate organs, of falsifying Cuban news to make it appear that the revolution was universal there.

⁵⁵ *True Delta*, September 5, 1851.

⁵⁶ *Picayune*, August 24, 1851.

⁵⁷ *Ibid.* The *Bee*, August 25, 1851, observed that the *Delta*, *Crescent*, *Bulletin*, and the *Courier*, as well as itself, admitted that they had believed the reliability of the reports.

⁵⁸ *Picayune*, August 24, 1851; *Orleanian*, August 28, 1851; *Crescent*, September 5, 1851; *Courier*, September 6, 1851; *Weekly Delta*, September 8, 1851. The *Courier*, September 10, 1851, said that nothing in history exceeded the heroics of Lopez and his gallant band.

⁵⁹ *Courier*, September 6, 1851.

⁶⁰ *Bee*, September 5, 1851; *Bulletin*, September 5, 1851; *Daily Delta*, September 9, 1851; *Picayune*, September 10, 1851.

unlikely American aid in their future struggle against Spanish oppression,⁶¹ if indeed the Cubans desired independence at all.⁶²

One significant event was to arise in New Orleans after the Crittenden executions which was not connected with that unfortunate affair, but which was a result of the surreptitious launching of the *Pampero* from New Orleans on August 3. This occurrence was the dismissal of William Freret, Collector of the port of New Orleans and ex-Mayor of the city, by the Fillmore administration after a governmental investigation into his alleged negligence of duty in allowing the *Pampero* to leave the city.⁶³ Freret's removal precipitated much comment in the press. Some administration Whig organs contented themselves with the simple statement that Freret's explanations to the authorities at Washington⁶⁴ were insufficient,⁶⁵ and reposed confidence in the President's judgment in the affair.⁶⁶ However the removal of the Collector angered many Whig chieftains in the city,⁶⁷ and other private citizens,⁶⁸ in addition to arousing the ire of virtually the entire press which thought the move extremely ill-advised and unjust.⁶⁹ In their ardent defense of Freret the press revealed that most of the important government officials had been absent most of the summer when preparations for the expedition were going on,⁷⁰ and that even at the time the *Pampero* had left New Orleans, there was a totally inadequate staff of government officials present in

⁶¹ *Bulletin*, August 25, 1851.

⁶² *Bee*, September 6, 1851; *Picayune*, September 5, 10, 1851. Recently there has appeared an excellent article which amassed conclusive evidence to show that the planter and business class of Cuba, most of whom were Creoles, were opposed to Lopez's revolutionary activities because of a fear of actual property damage during the disturbances, and a dread of a possible negro slave insurrection in the event Lopez conquered the island. See D. C. Corbitt, "The Junta de Formento of Havana and the Lopez Expeditions," *The Hispanic American Historical Review* (Baltimore, Maryland, 1918-22; Durham, North Carolina, 1926-), XVII (1937), 339-346.

⁶³ Rumors of Freret's removal appear to have been first circulated in New Orleans about September 3. See the *Daily Delta*, September 4, 1851.

⁶⁴ Freret's correspondence with the Secretary of the Treasury at Washington in regard to the launching of the *Pampero* could not be obtained. The only copy located is contained in a pamphlet found in the New York Public Library, and that institution accounted it too rare to loan.

⁶⁵ *Bee*, September 9, 1851.

⁶⁶ *True Delta*, September 14, 1851.

⁶⁷ Many Whigs were reported to be in favor of Freret and the party chiefs talked the first presidential appointee into declining the post. *Daily Delta*, September 19, 1851.

⁶⁸ An angry crowd stood around the Custom House and discussed Freret's removal. *Orleanian*, September 7, 1851. Conversely the *True Delta*, September 14, 1851, claimed that the public was not affected by the question.

⁶⁹ *Crescent*, September 4, 5, 1851; *Courier*, September 9, 1851; *Daily Delta*, September 4, 1851; *Bulletin*, September 9, 1851.

⁷⁰ Judge McCaleb, United States District Judge, was on a farm in the interior, the Surveyor of the port and the United States Marshall had made trips to Washington, and Logan Hunton, District Attorney, had been in Kentucky. *Courier*, September 4, 1851.

the city.⁷¹ The very journals exposing the absence of these officers were the first to defend it, declaring that theirs was a position of helplessness against a public and a popular cause. The launching of Lopez's expedition could not possibly have been stopped since not one citizen would have aided in preventing the venture.⁷² Indeed if "Messrs. Fillmore and Corwin [Acting Secretary of State] had been here, they could not have prevented it."⁷³ Further no circumstances specifically directed the attention of Freret to the *Pampero*, and in any event the ship was not thought to be in a condition to leave New Orleans with its defective machinery, nor that it would leave overnight without clearance papers.⁷⁴ In spite of bitter objections to Freret's removal, the administration did not relent and reinstate him. When the first appointee to the empty post of the collectorship of the port declined the position, Fillmore appointed another man.⁷⁵

The Crittenden executions had completely united the sentiments of the people in New Orleans in an intense hatred of Spain, and the idea of a revenge expedition to Cuba was avidly supported by the press and public. For a time the movement assumed such importance that it crowded everything, even local politics, out of the public mind. But for the last two years New Orleans had been the money mart for the Cuban expeditions, and was even then financing the living expenses of some two thousand filibusters. These facts, coupled with the extremely dull business season, made the financial collection drive, so vital to the launching of another expedition, a complete failure. News of the abject end of Lopez's expedition threw the city into deep gloom and despair. Almost at once there was a definite reaction against dispatching further expeditions to Cuba and the movement was abruptly ended with the dispersion of the filibusters. The press attributed Lopez's ill-fortune to the cowardly Creoles of Cuba, and it was predicted by many that this sad experience would henceforth cause Americans to view Creole appeals for aid against Spain in an extremely unfavorable light. When Freret, Collector of the port,

⁷¹ The *True Delta*, September 3, 1851, asserted that only Colonel C. A. Labuzan, United States Deputy Marshall, had been at his post when the *Pampero* sailed, and it thought other public officials had been negligent. The *Crescent*, September 4, 1851, declared that Judge McCaleb, Logan Hunton and the assistant district attorney had been out of town summer vacationing when the *Pampero* was launched.

⁷² *Courier*, September 4, 1851; *Crescent*, September 4, 1851.

⁷³ *Daily Delta*, September 9, 1851.

⁷⁴ *Picayune*, September 7, 1851; *Crescent*, September 4, 1851. See footnote 51 of chapter V.

⁷⁵ *Daily Delta*, September 19, 1851.

was dismissed by authorities at Washington, because of his alleged negligence of duty in allowing the filibusters to leave on the *Pampero*, the city press leaped to Freret's defense, declaring that all government officials in the city had been powerless against the popularly supported Lopez expedition. The absence of most government authorities at the time of the launching of the *Pampero* was deemed a recognition of their helplessness against a public cause. The press defense of Freret, although unsuccessful in its attempt to obtain his reinstatement, was significant in that it sharply revealed the intense public sympathy for the Cuban movement when Lopez and his men had sailed on the *Pampero*.

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and
**RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA
LXXXI.**

October-December, 1753.

(Continued from July, 1939, Quarterly)

By HELOISE H. CRUZAT
Marginal Notes by Walter Prichard

By the Editor of the Quarterly

List of Officials of Louisiana participating in the work of the Superior Council of Louisiana contained in this installment:

De Kerlérec, Louis Billouart, Chevalier, Governor	Kernion, Jean Francois Huchet de, Councillor Assessor, act- ing as Procureur General (in October)
D'Auberville, Vincent Guil- laume le Seneschal, Com- missioner of the Marine, acting as Intendant	Lafreniere, Nicolas Chauvin de, Councillor Assessor
Raguet, Jean Baptiste, Dean of the Councillors, and acting Procureur General (except during October)	Chantalou, Augustin, Clerk of the Superior Council and Notary
Membrède, Chevalier de, Lieu- tenant of the King	Lenormand, Marin, Sheriff
Bellisle, Simars de, Town Major of New Orleans	Deverges, Sieur, Chief Engi- neer of the King
Le Bretton, Louis Cesaire, Councillor Assessor	Garic, Jean Baptiste, Attorney and Notary
De la Lande d'Apremont, Charles Marie, Councillor Assessor	Heló, Attorney and Notary
	Dagobert, Father, Capuchin Priest

October 1, 1753.

Answer of
Madam Potin to
the Superior Council.

Answer sent to the Lords of the Superior Council of Louisiana by Mrs. Bernard Louis Potin, who has the honor to represent that in the year 1736 she was obliged to come to New Orleans from Mobile to see to important affairs of her husband, then detained as prisoner, and consequently she was forced to abandon two children of tender age, a slave, all her movables, effects, clothes and household provisions, in the hope of reunion soon in a place of residence, but she was much surprised when M. de Salmon, then Commissioner Ordonnateur, ordered him to embark in the Comte de Maurepas of Bordeaux, about to sail for Martinique, under Captain Gaillard, at present in this City to see to his family affairs, but notwithstanding the representations of the petitioner to return for their children, she could obtain nothing but a promise from M. de Salmon to honor them with his protection during her absence. She thought she could not do better than to leave her affairs in charge of deceased D'Auseville, former Councillor; he accepted the charge and sent her, at Martinique, the statement of the effects belonging to her, which were remitted to different individuals of Mobile, among others Sieur Prevot, a goldsmith now in the Capital, against whom your justice is required for movables and effects with which he was voluntarily charged, following two statements by the hand of deceased Sr. D'Auseville; whom we pray be cited at the next session of the Council to render account of said effects left by the petitioner and replacement of same by estimation, as it may please you to order. Signed: "Le jeune Potin" (Potin the younger).

Permit to cite.

October 1, 1753.—Permit to cite at the next session of the Council. Signed: D'Auberville.

Notice served
on Prevot.

October 2, 1753.—On Petition of the wife of Louis Potin, residing in New Orleans, in her house, where she has elected her domicile, I, Marin Lenormand, usher and crier of the Superior Council of this Province, residing in New Orleans, undersigned, have served notice of citation on Sieur Prevot, goldsmith residing in New Orleans, at his domicile, speaking to him personally, ordering him to appear on the first day of ordinary audience, next Saturday, sixth of the present month, at eight o'clock A.M., in the Chamber of the Superior Council of this Province, to answer on the facts of the petition and to see ordered what shall appertain, claiming costs and leaving copy of the petition as well as of this present, which was certified.

Notes sent to
M. Diron.

Copies of the notes sent to M. Diron, June 11, 1736, by Madam Potin: "I acknowledge that Madam Potin remitted

to me four parcels of cards and 26 flagons and 11 bottles, at Mobile, on May 8th 1736. Signed: Blemur."

List of goods
remitted to
Madam Fièvre.

Memorandum of what I remitted to Madam Fièvre, Viz: 12 towels, $\frac{1}{4}$ worked; 4 old towels; a buffet in which there are 1 doz.

porcelain cups and 10 saucers; 2 porringers of earthenware; an earthenware pitcher; a small tin box; three hammocks; three vests of Kalinka; one pair of embroidered damask shoes; three pairs of woolen stockings; limburg carpet; plus other used clothes; 1 lb. waxed thread (de Renne); 2 women's skirts; a linen corset; one chemise; one damask dress; ten crystal goblets. Signed: Ordinary mark X of Madam Fièvre.

(In the above note follows:) six ivory-handled knives; 5 ditto with wooden handles; one calico covering; one pair of pocket pistols; two tubs for lye; 1 small tub; 1 package of clothes; one Kalinka dress; 1 earthenware chamber; 1 porringer of (illegible); a shore chest; plus two bricks (briques).

October 1.
Petition.

Petition by Paul Augustin Le Pelletier de la Houssaye. (See Livilliers succession.)

October 1.

Petition of Garic,
acting as attorney
for Widow Duval.

Petition to the Superior Council by Jean Baptiste Garic, acting under procuration of Widow Duval, saying that the succession of Madam de la Chaise owes the constituent a sum of 590 livres, 5 sols, 6 deniers,

following the net notes made to reach payment, which could not be done because the succession was seized and that the heirs were under benefit of inventory; that the sum accruing to each heir (of payment to be made on debts) amounted to 195 livres, which was acquitted for their share and portion by Madam Dubreuil and Sr. de la Chaise; the petitioner, having been informed that there only remained the share of Sr. Pradel, prays that he be cited before the Council at its next session, to be condemned to pay petitioner the sum of 195 livres, his share in the debts of Madam de la Chaise, besides interest, costs and expense. Signed: Garic, procureur.

Permit to cite.

October 1, 1753.—Permit to cite at the next session. Signed: D'Auberville.

Notice served
on Pradel.

October 2, 1753.—Following the above order on petition of Sr. Jean Baptiste Garic, acting under procuration of Widow Duval, merchant domiciled in New Orleans, in her house, Marin Lenormand, usher and sheriff in the Superior Council of this Province; residing at his domicile elected in New Orleans, served notice of citation on M. Pradel, former Captain of Troops in New Orleans, at his domicile, speaking to Izabelle, an Indian

servant, ordering him to appear before the Superior Council, next Thursday, sixth instant, at eight A.M., to answer and see ordered what shall appertain by right, claiming costs, speaking to him as above, leaving copy of the procuration, note, etc. Signed: Lenormand.

Document pale and stained, and with ragged edges.

October 1.

Petition by Hugon
for an accounting
and settlement of
an obligation.

Petition by Sr. Hugon, Officer of the detached troops of the Marine, stating that during his minority Sieur de Boismary, Merchant of La Rochelle, sent here to M. de Noyan a bale (seaman's venture) amounting to the sum of 6169 livres, 13 sols, 7 deniers, one third of which was destined to the petitioner, even to his account and risk; he had even paid, through M. Hugon, a sum for another bale (seaman's venture), which was likewise sent to M. de Noyan, and a sum of 500 livres, also sent to M. de Noyan, following a receipt which remained in France, and following the subjoined letters of the Widow Boismary and Sr. Hugon, as well as to account of Sr. de Boismary, of which sums and missives, amounting together to 3156 livres, 11 sols, 2 deniers, Sr. de Noyan kept no account to the petitioner and died having forgotten them. However, three years ago the Widow Boismary sent a procuration to receive two-thirds of said bale of M. de Noyan, for payment of which M. de Chavoye was condemned to pay the sum of 4800 livres, the 800 livres for the profits which the seaman's venture produced, for two-thirds; and consequently the third of the petitioner must likewise have produced 400 livres, wherefore, may it please you, Gentlemen, to allow the petitioner to have M. de Chavoye cited, as tutor charged with the books of M. de Noyan, to appear before the Council at its next session, to be condemned to pay the petitioner the said sum of three thousand one hundred and fifty-six livres, eleven sols, two deniers, of preciput, and that of 400 livres of profit for one-third of the first venture, and moreover to pay interests and costs. Signed: Garlic, for the petitioner.

Permit to cite.

October 1, 1753.—Permit to cite for the next session of the Council. Signed: D'Auberville.

Notice served
on de Chavoye.

October 2, 1753—By Virtue of the above order on petition of Sr. Hugon, Officer of the troops maintained in this Colony, domiciled at his plantation, Marin Lenormand, Sheriff in the Superior Council of the Province, residing at New Orleans, where he is domiciled, have served notice on M. Payen de Chavoye, Knight of the Royal and Military Order of St. Louis, Captain of a company of troops maintained in this Colony, domiciled at New Orleans, at his residence, speaking to him personally, ordering

him to appear on the first day of ordinary session, next Saturday, sixth of the present month, at eight o'clock in the morning, in the Chamber of the Council, to answer on said petition and see ordered what shall appertain by right, and speaking to him as above, left him copy of the petition, order and of this present, which was certified. Signed: Lenormand.

Defense of
de Chavoye
before the
Council.

October 4, 1753.—To the Lords of the Superior Council of Louisiana, answers Sr. de Chavoye, Knight of the Royal and Military Order of St. Louis, Captain of a detached Company of the Marine, in his quality as tutor of the minor children of deceased M. de Noyan, on citation served on him October 2, 1753. Sr. de Chavoye has the honor to represent to Our Lords that he is not a little surprised at the proceeding and demand of Sr. Hugon for a sum of three thousand one hundred and fifty-six livres, eleven sols, two deniers, on a pacotille (seaman's venture) sent by M. Boismary of La Rochelle to M. de Noyan about eleven or twelve years ago, but may know if the said Sr. Hugon did not receive in detail what was due to him in this venture from Mr. or Madam de Noyan or if he forgot it since he never spoke of it to my said Sieur de Noyan during his lifetime. It is certain that a few days before his death the said Sr. Hugon asked Sr. de Chavoye to recall to his brother a sum of five thousand livres he owed him and of which he had a letter. Is it not true that if Sr. Hugon had then believed that another sum was due him he would have named it, since he was of age and he would have received his account of tutorship three or four years previously?

The said Sr. de Chavoye spoke to M. de Noyan of the said five thousand livres which the said Sr. Hugon demanded, who answered that it was true but that the said Sr. de Chavoye would find a memorandum of furnishings in a book which could amount to two thousand livres; he counted that he owed him but three thousand livres, adding that he earnestly prayed Sr. de Chavoye to pay all these debts; if he had then thought he owed Sr. Hugon for a pacotille, would he not have accused it, especially at his death, when he only sought to acquit himself towards men; on the contrary, he said that Sieur Hugon owed him two thousand livres which must be deducted from the five thousand. Sieur Hugon, far from instructing Sr. de Chavoye at the time that it was easy to reach the truth on this pretended debt, kept silence and spoke of it only six months after the death of Sr. de Noyan.

When Sr. de Chavoye paid him the aforesaid 5000 livres, he showed him the memorandum of the furnishings made for 2000 livres, which the said Sr. Hugon acknowledged having received, and he told Sr. de Chavoye that if he would give him four calves, a sheep, and a few pairs of pigeons, and lend him two

Negroes to go to Pointe Coupée, he would hold the succession discharged from all pretensions whatsoever; he said the same to M. Dumanoir, so that after such an acknowledgment it is very strange at this day to have fabricated such a suit.

It can then be believed that he would not have made such a proposition if he had thought that there was anything still due to him; besides, he should have made all his demands during M. de Noyan's life and not have waited long after his death. What reason did he have to ask but one part and leave the other, when he knew that all the creditors would present their memoranda to have their credits recognized by the said Sr. de Noyan, to be inserted in his will? Those who did not then do it entered their protest to the said inventory, and this is what the said Sieur Hugon did not do.

Moreover, at the time that the said Sr. de Chavoye spoke to his brother of M. Hugon, he told him again that he would find a memorandum of M. de Boismary, by which he owed him 4800 livres, and that to benefit of this sum Sr. de Chavoye should give him moreover 1200 livres, which would amount in all to 6000 livres, of which Madam Boismary is satisfied. This was the time when Sieur de Noyan would have explained if he had owed anything on the pacotille to said Sr. Hugon. Besides, it would appear that it had been ordered by deceased M. de Noyan to pay this pacotille to Madam Boismary in the sum of 6000 livres, and said Sr. Hugon for the same bale demands another sum of 3156 (livres), 11 (sols), 2 (deniers)—9156 (livres), 11 (sols), 2 (deniers).

For this succession to be indebted for 9156 livres, 11 sols, 2 deniers, as above shown, and that there could come to the said Sr. Hugon the sum of 3156 livres, 11 sols, 2 deniers, which he demands, without noticing a diminution of $\frac{3}{5}$ on the returns of this pacotille and that there remains but $\frac{2}{5}$ to pay; it must then have really produced 22,891 (livres), 5 (sols), 5 (deniers), which would be near three hundred for one hundred of profit, which is not probable and which would make Mr. Hugon's demand very intricate; that the Council alone can penetrate and throw light on this; Sr. de Chavoye refers to it and concludes, as tutor, that it may please you, our Lords, to reject Sr. Hugon's demand and condemn him to pay the 2000 livres he owes the succession, and to the costs, and you will do justice. Signed: Chavoy.

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October 4.

Petition by
Prevost for
collection of
debt from the
Langlois succession.

Petition by Jean Baptiste Prevost, saying that the succession of deceased Louis Langlois is indebted to him for a sum of 260 piastres (Spanish dollars), on a note consented to by deceased Louis Langlois to the order of Prevost, July 15, 1748, payable in January,

1749. He had not paid it at his decease, wherefore the petitioner protests the raising of the seals and disposal of the effects, following the act of January 30, 1750, for safety of said debt. The widow of said Sr. Langlois, and later Sr. Charles Tarascon, her second husband, had the disposal of the effects, under promise of paying the debts of the said succession. The petitioner has until now made vain attempts to recover his debt, wherefore he prays that Sr. Charles Tarascon, charged with the Langlois succession, be cited before the Council, to be condemned to pay to Jean Baptiste Prevost 260 piastres (gourdes), with interest and costs. Signed: Prevost.

Permit to cite.

October 5, 1753.—Permit to cite at the next session. Signed: D'Auberville.

Notice served.

October 5, 1753.—Notice of citation served on Sr. Charles Tarascon by Sheriff Marin Lenormand, in the house of Sr. Gautreau, speaking to him personally, ordering him to appear before the Superior Council of this Province, to answer on the petition. Copy left of the petition, note, order and this summons, which was certified. Signed: Lenormand.

Petition of
Tarascon for a
family meeting
to consider the
above claim.

October 6, 1753.—Petition to the Superior Council by Charles Tarascon, as husband of Marie Louise Girardy, widow of Louis Langlois, saying that deceased Louis Langlois at his decease left different debts and no movables to acquit them, only immovables, part of which were sold to acquit succession of deceased Madam Gervais, as her children, whose tutor he was then, still remained to be paid, also Sr. Prevost, agent of the Company of the Indies, a sum of 1300 livres, to M. de Pontalba 100 pistoles (a pistol is ten francs), and some other private debts, for payment of which there only remains a house and a plantation situated in Illinois, which the petitioner cannot work for returns on account of the distance, wherefore he has tried to sell the said goods, finding only a sum of three thousand livres; as there is a minor child of deceased Louis Langlois, he would not have passed beyond without previously convening the relatives and friends to consider the conservation of the goods of said minor, and he prays that the Council allow him to convene a meeting of relatives and friends to give their opinion on the said sale, returns thereon to go towards paying the debts of said succession; the remaining portion to be employed to the greater advantage of the minor, said meeting to be before a Councillor appointed for that purpose, before the Procureur General of the King. Signed: Garlic, for the petitioner.

Permit to convene
family meeting.

October 6, 1753.—The Council has allowed the meeting of relatives, and in their default of friends, before M. Kernion, in the Presence of the Procureur General, to give their opinion on the sale concerned. Signed: D'Auberville.

October 6.

Braquier vs. Gazan
and Vivier.

Excerpt from the Registers of the Superior Council. Between Sr. Francois Braquier, merchant of this City, plaintiff, vs. Sieurs Gazan and Vivier, defendants: Seen by the Superior Council of the Province the petition of Sr. Braquier, plaintiff, order and summons of last July 17th and 19th, said petition showing that Sieurs Vivier and Gazan owe a sum of 3237 livres, 15 sols, for advances made to them on their account of November 5th and 7th 1750, which sum was to have been reimbursed on their return from Campeche. Let Vivier and Gazan be cited, at the domicile of the Procureur General of the King, to appear before the Council, in such delay as they may order, to be condemned to pay solidarily, one for the other, the sum of 3237 livres, 15 sols, interest, costs and expense, the order below said petition carrying that defendants be cited before the first Council of the month of October. The Council has given judgment in default against the defendants for non-appearance, and in consequence orders that they be cited at the first session. Signed: By the Council. Chantalou, Greff.

Notice served.

October 8, 1753.—On Petition of Sr. Francois Braquier, merchant of New Orleans, at his domicile, I, Marin Lenormand, crier and sheriff of the Superior Council of this Province, residing at his domicile in New Orleans, have served notice of the said decree of default, with citation to Sieurs Gazan and Vivier, at the domicile of the Procureur General of the King, speaking to Francois, his Negro servant, ordering them to appear before the Superior Council on the first Saturday of next December, at eight o'clock in the morning, to answer on the demands of Sr. Braquier and to hear what shall be ordered, claiming costs, speaking as aforesaid, and leaving copy of said decree and present act, which was certified. Signed: Lenormand.

October 6.

Garic, acting
attorney for
Widow Duval,
vs. Pradel.

Between Jean Baptiste Garic, acting under procuration of Widow Duval, merchant of Lorient, petitioner, and Mr. Jean Baptiste Pradel, defendant: Seen by the Superior Council of Louisiana the petition presented by the petitioner, order and summons on date of the first and second of the present month, the said petition exposing that the succession of deceased Madam de la Chaise is indebted to Madam Duval for the sum of 590 livres, 5 sols, 6 deniers, following her goods and notes on costs to pay

same, the said succession having been seized provisionally, and that the heirs by benefit of inventory have amended it only recently, that this sum, amounting for the share of each heir to 195 livres, was acquitted for their share and portion by Madam Dubreuil and Sr. de la Chaise, that there remains only the share of the defendant, who always delayed though he consented and promised to conform to what Mr. de la Chaise would do; Mr. de la Chaise paid, notwithstanding which the defendant refuses to pay, wherefore may it be allowed to have him (Pradel) cited at the next session, to be condemned to pay the sum of 195 livres, to which said debt amounts, costs and expense of said Madam de la Chaise, to the minors. Seen a copy of the note of said Mrs. de la Chaise made at Lorient, February 5, 1727, for the sum of 472 livres, 11 sols, 4 deniers, controlled September 11, 1750; another of April 12, 1727, for 4 livres, 10 sols, collated by Cauzer and Savigny, duly legalized, holding procuration of said Madam Duval. The Council has rendered first judgment in default against defendant and ordered that he be cited again to appear before the Council at its next session. Costs pending. Signed: By the Council. Chantalou (paraph), Greff.

Notice served
on Pradel.

October 30, 1753.—On Petition of Jean Baptiste Garic, acting under procuration of Widow Duval, Marin Lenormand, sheriff, has served notice of citation on M. Pradel, at his domicile, ordering him to appear before the Superior Council next Saturday, November 3rd, on demand of Sr. Garic, claiming costs. Copy left of decree, and of this summons, which was certified. Signed: Lenormand.

October 6.

Defense of
Tarascon vs.
Baudreau

Defense before the Council by Charles Tarascon, husband of Marie Louise Girardy, widow of deceased Louis Langlois, against Jean Baptiste Bodreau, called Graveline. Sr. Graveline presents no titles to ownership of the land he claims but a letter by

Turpin, dated April 14, 1730, which is not sufficient to assure his possession to the prejudice of a donation for cause of death, which said Turpin made to the wife of defendant, which is authentic and irrevocable.

When Turpin made donation in favor of defendant's wife, the titles of acquisition by Turpin are thereto joined, which show that Jean Bonnet and his wife declare and acknowledge having sold the lands they owned at Bayou St. John, August 22, 1731, said sale ratified the same day by notary of Illinois, Jean Laplace. Jean Olivier likewise sells to said Louis Turpin lands at Bayou St. John, adjacent to those of Louis Bonnet, and declares having received payment for same, dated August 21, 1731, which acts are below the donation on date of May 11, 1734, originals of which are in the Illinois Registry. It is evident

that lands acquired in August, 1731, could not be disposed of in April, 1730, the date which Sr. Graveline gives. Besides, prescription would be due to defendant, since only ten years are required for those present and twenty years for those absent. Those present are those in the same province, that by this prescription of ten years prescribe all corporate and incorporate immovable rights, following articles 113, 114, 186, of the custom (of Paris).

The defendant observes to the Court that Joseph Girardy, father of his wife, enjoyed possession of these lands during eighteen years, as shown, by this possession, and not only by this possession but for having been the first to clear them and fence them in, at his expense. By decree of December 2, 1752, his demands were rejected and the land remained the property of the donor.

Sr. Graveline never did cultivate said land, and even if he had titles he left it in an abandoned condition since twenty years, and now he wishes to disturb defendant in his possession, by him or his father-in-law, by virtue of a donation, not to enjoy it himself nor cultivate it, owing to his advanced age and infirmities, but for a son declared to be illegitimate and incapable to succeed him or inherit. Being a donation in case of death, the donor may revoke it when he chooses. May it please the Court to reject demands of Sieur Graveline, owing to the prescription in favor of defendant, costs and expense on petitioner. Signed: Garic, for defendant.

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Memorandum for M. Thibault's mulatto, viz:
 October 6. Making of two pairs of trousers 12 Ls.
 Slip. One ell and a quarter of
 linen to line one camlet at 3 liards, 3 " 15 Ss.
 Received from M. Roudès, contents of the above, at St. Pierre.
 Signed: Borderie. Moreover 7 ls. 10 ss. for M. Tares.

Session of the Superior Council of October 6, 1753, where were present MM. de Querlorec, Governor; Dauberville, Commissioner of the Marine, Ordonnateur, acting as First Judge; de Membrède, Lieutenant of the King; de Bellisle, Major; Le Bretton, de la Lande, Kernion and la Freniere, Councillors Assessors. Judgments rendered:

Hugon vs.
 de Chavoye.

1. Between Sr. Hugon, officer, plaintiff, and M. de Chavoy, in the name of and as tutor of the minor children of deceased

M. de Noyan, defendant: Seen the petition presented by the plaintiff on the 2nd instant, the said petition stating that before his death Sr. de Boismary, merchant of La Rochelle, had sent to M. de Noyan a pacotille (seaman's venture), amounting to the sum of 6169 livres, 19 sols, 7 deniers, one third of which was solely destined to the plaintiff, and even to his account and risk, and that he had even paid through M. Hugon a sum of 500 livres, which was likewise remitted to M. de Noyan, following a receipt which remained in France and the annexed letters of Widow Boismary and Sr. Hugon, with the bill of M. de Boismary, amounting together to 3156 livres, 11 sols, 2 deniers. M. de Noyan kept no account for plaintiff and died having forgotten it. However, a year ago Widow Boismary sent a procuration to collect two-thirds of said pacotille of M. de Noyan, for payment of which M. de Chavoy was condemned to pay the sum of 4800 livres, 800 livres for the profits on two-thirds, and the third of the plaintiff must likewise have produced 400 livres of profit, wherefore it is permitted to cite M. de Chavoye, both parties to be heard together, before Councillor Kernion. The Council has rejected the demands of Sr. Hugon on the succession of deceased M. de Noyan and condemns him to costs.

Chavoye vs.
Menard Bros.
and Delalande.

2. Between Sr. Payen de Chavoy, Knight of St. Louis, Captain of Colonial Troops, plaintiff, vs. Sieurs Jean Louis and Charles Nicolas Menard, brothers and officers, and Sr. Charles Marie d'Apremont de la Lande, Councillor Assessor, defendants: Seen the petition presented by Sr. de Chavoy, order and summons of the 2nd of the present month, the petition stating that having sold to M. Duhommel a plantation of eight arpents frontage, with cattle and improvements thereon, Sr. Duhommel ceded it to Sr. Renard for 22,000 livres, payable in terms, viz: in letters of exchange, 2000 livres at the end of the present year; 4000 livres at the end of 1754. As the said sums were not paid to petitioner, he readily consented to the cession made by M. Duhommel and accepted the payment for the said plantation, in consequence of which Sieur Renard furnished to petitioner three letters of exchange, amounting to 10,000 livres for the first term, which letters of exchange were protested in France, the default of payment causing the petitioner considerable prejudice, owing to the fact that Madam de Chavoy, his wife, who was relying on these funds, was obliged to delay her return until petitioner sent her money to acquit her debts contracted there. Even at this day the defendant refuses to pay the said letters of exchange, wherefore he prays that Sr. Renard and Sr. de la Lande be cited at the next session and condemned to pay 12,000 livres for the first terms due, and 10,000 livres for the other terms, with interest and costs of protests, Sr. Renard having been authorized to the purchase of said plantation, having obligated himself

solidarily in August, 1751, by act passed before M. Henry; moreover, to pay such damages as may be ordered on account of the delay of Madam de Chavoy in France; and in default of payment of the sum of 22,000 livres, interest, costs and damages, by said Sieurs Renard and de la Lande, seizure to be made of said plantation and slaves, to said sum of 22,000 livres, and costs. Seen the aforesaid acts of sale, protests, etc., the Council has ordered Sr. Renard to pay said sum within a fortnight, and condemns him to bear costs.

Document stained, blurred and in fine script.

De la Houssaye,
acting for de
Vaugine, vs.
Pontalba.

3. Between Sr. Paul Augustin Le Pelle-
tier de la Houssaye, Knight of the Royal
and Military Order of St. Louis, Captain
of a detached Company of the Marine, in
his own name and as charged with procuration of M. de Vaugine,
plaintiff, vs. M. Defau de Pontalba, Captain of troops, charged
with the succession of deceased M. de Livilliers who died in
Arkansas, and of his widow, wife by second marriage of M. de
Pontalba, defendant: Seen the petition presented to the Council
on date of the first of the present month, and the petition of
Petit de Livilliers, it was proceeded to the inventory and sale
of movables and notes of said succession, amounting to the sum
of 1569 livres, 3 sols, 4 deniers. From said funds the funeral
expenses and a few stated debts were paid, amounting to 539
livres, 13 sols, 4 deniers; consequently there remains in his
possession the sum of 1029 livres, 10 sols, due to the other heirs,
besides the sum of 7296 livres, 10 sols, 6 deniers, due to said
deceased on his mother's succession, which both together amount
to 8326 livres, 6 deniers, for which said sum Sr. de Pontalba is
accountable to the coheirs. The petitioner, de la Houssaye,
married Magdelaine Petit de Livilliers, sister of the said de-
ceased. Wherefore petitioner prays that Sr. de Pontalba be
cited this day to be condemned to pay to petitioner what accrues
to his wife, and moreover, as bearer of procuration of M. de
Vaugine, who married another sister, to remit to him likewise
what accrues to his wife. On conclusions of M. de Kernion,
Councillor Assessor, acting as Procureur General of the King,
the Council orders that M. de la Houssaye shall render account
to defendant of the remainder of the succession of said deceased
Sr. Petit, the remainder of which shall be turned over to M. de
Pontalba, who is ordered to render account to the claimant of
the share coming to his wife in the said succession. Demand of
a share accruing to said Dame de Vaugine rejected. Costs
pending.

Document in fine, close script, pale and blurred.

Garic, acting
for Widow Duval,
vs. Pradel.

4. Between Jean Baptiste Garic, acting
under procuration of Widow Duval, mer-
chant of Lorient, plaintiff, vs. Sr. Jean

Baptiste Pradel, defendant: Seen the petition presented by the plaintiff, in his capacity, on date of 6th of the present month, showing that succession of Madam de la Chaise owes Madam Duval a sum of 590 livres, 5 sols, 6 deniers, on notes, and costs, as the succession was seized provisionally and the heirs, through benefit of inventory, have amended it only recently. This sum for the share of each heir now amounts to 195 livres, which amount was paid by Mr. de la Chaise and Madam Dubreuil, and there remains only the share of the defendant, who has always refused to pay, wherefore he prays that M. de Pradel be cited at the next session, to be condemned to pay to plaintiff the sum of 195 livres, which represents his share, interest and costs. On February 5, 1727, the debt amounted to 472 livres, 11 sols, 4 deniers, controlled September 11, 1750; another of April 12, 1727, to the sum of 4 livres, 5 sols, collated in 1750 by Causer and Savigny, Notaries of Lorient, duly legalized procuration by said Madam Duval, passed on September 12, 1750. The Council rendered first judgment in default against defendant for non-appearance and ordered that he be cited again at the next session. Costs pending.

Garic, acting
for Widow Henry,
vs. Lesassier,
as testamentary
executor of
deceased Henry.

5. Between Jean Baptiste Garic, holding procuration of Jeanne Poussin, widow of Sieur Nicolas Henry, plaintiff, vs. Sr. Charles Lesassier, testamentary executor of Sr. Henry, defendant: Seen the petition presented by plaintiff, in his capacity, order and summons of September 24th and 25th, the petition stating that Sr. Henry made an olographic will in which he named Sr. Lesassier as his testamentary executor, who by this time must have executed it; but as the constituent was in community with said deceased and has no knowledge whatever of his succession and of her half of the community and of her rights, she prays that Sr. Lesassier be cited to appear before the Council at its next session, to hear himself condemned to render account of said succession of deceased Henry, before the Councillor appointed for that purpose, to whom he will communicate the papers, titles, notes and inventories concerning said succession, following the procuration of Jeanne Poussin, Widow Henry, before Hardy and Daviaud, notaries at La Rochelle, May 14, duly controlled and legalized on the said day. The Council has condemned Sr. Lesassier to render account to plaintiff, in his capacity, of the succession of deceased Nicolas Henry, before M. de Kernion, Councillor Assessor, appointed Commissioner in this case, to be ordered what shall appertain. Costs pending.

Goudeau vs. Caüe.

6. Between Sr. Francois Goudeau, Surgeon of the King in this City, plaintiff, vs. Sr. Francois Caüe, resident of said City, defendant: Seen the decree of the Council obtained by plaintiff in default against

defendant on date of September 1st, order and summons of March 22nd and 23rd, on request of the petitioner, and the explanatory petition, showing that Sr. Caüe is indebted for the sum of 2108 livres, 2 sols, 6 deniers, as per notes and mandates of June 30 and September 12, 1750, and January 25th of the present year; and that of 42 livres, 10 sols, following two orders; amounting together to the sum of 2150 livres, 12 sols, 6 deniers, of which sum he has never obtained payment notwithstanding reiterated demands, wherefore he prays that Mr. Caüe be cited to appear before the Council at its next session, to be condemned to pay the sum of 2150 livres, 12 sols, 4 deniers, with interest and costs. Seen the said notes and mandates of said dates, the Council has given second judgment in default against defendant for non-appearance and condemns him to pay to petitioner the sum of 2150 livres, 12 sols, 6 deniers, carried in the notes, orders and mandates of above dates, and to bear costs.

Germain vs. Barbin.

7. Between Pierre Germain, settler, plaintiff, vs. Sr. Barbin, settler, defendant: Seen the petition presented by Sr. Germain and summons of last August 22nd and 23rd, and those of September 13th, the petition showing that Sr. Barbin owes petitioner for wood furnished the sum of 3194 livres, 2 sols, on a note dated April 28, 1752, payable in the following May, on which sum petitioner received 1600 livres on account. Sr. Barbin still owes 1594 livres, 2 sols, which he has not paid notwithstanding repeated demands, wherefore he prays that Sr. Barbin be cited before the Council at its next session, to be compelled to pay the remainder due, following note on date of April 28, 1752. The Council has rendered judgment in default against said Barbin for non-appearance, and orders that he be cited again. Costs pending.

*Jung vs. Armand
and Le Duff.*

8. Between Sr. André Jung, plaintiff, vs. Sieurs Armand and Le Duff, defendants: Seen the petition presented by Sr. Jung, order and summons of September 22nd and 25th, the petition showing sale of land to defendants for two Negroes whom they obligated themselves to turn over to him. Still Sr. Le Duff, as well as Sr. Armand, refuses to execute the obligation, wherefore he prays that citation be issued and that they be condemned to pay said note of April 25th, signed by both of them. But as in the acquisition of land all necessary security must be sought, the said petitioner should have communicated his title of property, which is judged to be necessary on the side of vendor as well as purchaser. The act of possession is necessary, especially in the case of land being goods of minors. It is ordered to produce within eight days the act of property and possession of said plantation for security of their possession; in default of this order, the private agreement between the

parties shall remain null and without effect, and this makes them liable to pay costs.

Seen also a receipt, signed by Chauvin Lesueur, for 1500 livres, for price of sale of said land on date of October 2, 1752, considering decree of Council of September 2nd of the same year, which allowed said Chauvin Lesueur to assemble his relatives and friends to deliberate on said sale; the meeting held on the 16th of said month, homologated by decree of October 7th. Parties heard, together with the conclusions of M. Kernion, Councillor Assessor, acting as Procureur General of the King, the Council, authorizing said sale made by said Sr. Lesueur following the opinion of relatives and friends, has condemned and does condemn Sieurs Le Duff and Armand, defendants, to deliver to plaintiff the two Negroes of the said sale aforementioned, requiring the observance of the usual formalities, and condemns defendants to bear costs.

Braquier, acting
for creditors
and syndics of
Vivier succession,
vs. Layssard Bros.

9. Between Sr. Francois Braquier, merchant of New Orleans, as bearer of procuration of creditors and syndics of the succession of Jean Vivier, plaintiff, vs.

Sieurs Layssard Bros., defendants: Seen the decree of default obtained by plaintiff against the defendants, on August 4th, on petition and summons of July 17th and 19th, the petition showing that Layssard Bros. are debtors to the Vivier succession in the sum of 1992 livres, on their order and note in favor of Sr. Denis Macarty, on date of March 26, 1748, of which debt he cannot obtain payment, wherefore he prays that Layssard Bros. be cited before the Council at its next session to pay solidarily the said sum of 1992 livres, interest and costs; whereon the Council, considering the above procuration passed before de La Vergne and Guillemot, Notaries at La Rochelle, November 8, 1752, duly legalized, and in consequence it is ordered that they be cited again at the next session, costs pending. The said decree notified by Sheriff Lenormand, September 13th. The Council has given second judgment in default against defendants for non-appearance, and condemned them to pay the said sum of 1992 livres contained in said note and to bear costs.

Braquier vs.
Gazan and Vivier.

10. Between Sr. Francois Braquier, merchant of this City, plaintiff, vs. Gazan and Vivier, defendants: Seen the petition

presented by Sr. Braquier on the 17th and 19th of July, showing that there is due by Srs. Vivier and Gazan the sum of 3237 livres for advances made to them and payment of their notes in settlement of a bill of November 5 and 7, 1750, which sum was to be reimbursed to him (Braquier) on his return from Campeche, and plaintiff prays that he be allowed to have Vivier and Gazan cited before the Council, to be condemned to pay the sum of 3237 livres, and interest, expense and costs. The Council has

rendered judgment in default against defendants and orders that they be cited again.

Rastaud, as
tutor of Senet,
vs. Brierre and
Jourdain.

11. Between Daniel Rastaud, as tutor of Jean Baptiste Senet, plaintiff, vs. one Brierre, settler, and Francois Jourdain, defendants: Seen the petition presented by Sr. Rastaud, in his capacity, showing that having proceeded to lease of a plantation, Negroes, cattle and utensils, belonging to Monsieur Senet, which lease was adjudicated at the price of 1230 livres per year, payable every six months, under bond of Francois Jourdain, settler, the said Brierre was put in possession on February 8, 1751. He was cited on September 13, 1752, for having put off payment after reiterated promises to satisfy the demand as soon as possible. He and his bondsman, Francois Jourdain, were cited to appear and compelled to pay the price of adjudication, 3280 livres, interest, charges and costs, without prejudice to the terms made. The Council has condemned and does condemn said defendant to pay to plaintiff the sum of 3280 livres, due on the said lease, and to pay costs.

Beaudreau, called
Graveline, vs.
Tarascon, as husband
of Louise Girardy.

12. Between Jean Baptiste Beaudreau, called Graveline, plaintiff, vs. Charles Tarascon, as husband of Louise Girardy, former Widow Langlois, defendant: Seen the petition presented by Sr. Graveline on September 27th, order and summons of September 29th, the petition stating that he is proprietor of land situated at Bayou St. John, as appears by a letter of Louis Turpin, who acknowledges sale of said land to him in 1730; that petitioner having enjoyed possession during several years and having established a cattle farm, which he afterwards ceded to Sr. Derbanne, who retroceded it to plaintiff as per subjoined document of July 4, 1733, and since has made neither cession, donation nor sale; that Louis Turpin erroneously donated it to Louise Girardy, since he no longer had any right to this land which was unjustly extorted from the plaintiff; as the donation pretended by the defendant is ulterior to the titles of the petitioner, it cannot be to his prejudice. Turpin even declared in his donation that the titles were in possession of Sr. Graveline, which shows that he had given it up and that he had no pretension to this land, and that consequently it should be returned to him as his property by purchase and by possession, and concludes that he be allowed to have defendant cited at the next session of the Council, to hear the donation made by Louis Turpin declared null, and he consequently be ordered to vacate the said land, as not owned by him as per antedated titles. The Council has rejected the demands of plaintiff and condemns him to pay costs, and orders that defendant remain in possession of the said land.

Renaud vs.
Catherine
Vinconneau,
wife of Baudreau.

13. Between Claude Renaud, called Avignon, merchant of this City, plaintiff, vs. Catherine (Vincennes) Vinconneau, wife of Jean Baptiste Baudreau, defendant: The decrees of the Council of September 1st against said Baudreau, carrying condemnation of August 4th, and order to pay plaintiff a sum of 1278 livres, are to be executed in their form and tenor. Considering the defenses of the Baudreau woman and the conclusions of the Procureur General of the King, the Council orders that the sum of 1278 livres demanded by petitioner be reduced to 3/5 loss, following the King's declaration published and registered, which sum shall be paid by the community of said Baudreau and his wife. Ordered that inventory of said community be made before M. Kernion and the Procureur General of the King, thereon to be ordered what is just.

Prevost vs.
Tarascon.

14. Between Jean Baptiste Prevost, plaintiff, vs. Charles Tarascon, husband of Louise Girardy, formerly wife of Louis Langlois, defendant: Langlois' succession is indebted to Prevost for 260 piastres (gourdes), on a note signed by Langlois, in July, 1748, payable in January, 1749, which was not paid at the death of said Langlois. Said Tarascon married the widow of said Langlois and since then has had the disposition of what he (Langlois) left, under promise of paying the debts of his succession. Notwithstanding his demands he has not been able to obtain payment, wherefore may it be permitted to have him cited before the Council at its next session, to be condemned to the sum of 1300 livres, contents of the note, and the costs.

Catherine Lejeune
vs. Prevost.

15. Between Catherine Lejeune, wife of Bernard Louis Potin, plaintiff, vs. Antoine Prevost, goldsmith of this City, defendant: Seen the petition presented by plaintiff, showing that in 1736 she was obliged to go to Mobile where her husband was then detained prisoner, to see to her affairs, abandoning all her furniture and household linen, hoping to return soon. M. de Salmon, then Commissioner, ordered her to embark in the Comte de Maurepas for Martinique. Before her departure M. D'Ausseville was charged by her with her affairs. He sent her in Martinique statements of her effects which had been remitted to different individuals at Mobile, among others to said defendant, who voluntarily took charge of movables and effects, following two written statements by M. Dausseville, and she concludes that she be permitted to have Sr. Prevost cited, to be condemned to return the effects left by plaintiff, or after appraisement to return their value. Case heard, the Council has rejected demands of plaintiff and condemned her to bear costs.

Alexandre Boré,
as tutor of
minor children
of deceased
Joseph Verret,
petitioner.

16. Alexandre Boré, in the name of his wife, Marguerite Labranche, widow of deceased Joseph Verret, petitioner: Seen the petition of said Boré, showing that he is charged with tutorship of seven minor children of said Verret, and therefore obliged to see to the conservation of their goods. Notwithstanding his care some persons have taken possession of twenty-four arpents of land which Verret acquired from deceased Petit de Livilliers, without regard to the titles of concession. Lack of Negroes prevented him from keeping up all the land and the levee on other land owned by them. He prays for permit to sell the twenty-four arpents, to avoid said land being annexed to His Majesty's land, the returns thereof to be employed for the good of the minors, wherefore he asks that a family meeting be convened to deliberate thereon; on which intervened the decree of July 13th, the relatives having decided unanimously that the interest of the minors demands the preservation of the land, as there is only one road to maintain, and a levee to make this year. It is impossible for him to maintain the said land, wherefore he prays for permit to sell by adjudication to the highest bidder, and for this purpose to make the necessary notices. Heard the conclusions of M. Kernion, Councillor Assessor, acting as Procureur General of the King; also the report of the family meeting, the Council has permitted the sale of the land to the highest bidder, before M. Le Bretton, Councillor Assessor, in the presence of the Procureur General of the King, returns thereof to be placed and employed to the profit of the said minors.

Tarascon, as tutor
of minor child of
deceased Louis
Langlois, Petitioner.

17. Sieur Charles Tarascon, as husband of Marie Louise Girardy, widow of Louis Langlois, petitioner: Seen the petition presented this day by said petitioner, showing that deceased Louis Langlois left several debts and no movables to acquit them, but only immovables, a part of which was sold to pay debts of the succession of Widow Gervais, of whose children deceased Langlois was tutor. There still remains to be paid a sum of 1300 livres to Sr. Prevost, another of 100 pistoles to M. de Pontalba, and some other private debts, for payment of which there only remains a plantation and house situated in Illinois, on which petitioner can obtain no returns on account of the distance. He had an offer of 3000 livres, but as deceased Langlois left a minor child he was unable to make the sale without previously consulting the relatives of the said minor, and therefore he prays to be allowed to convene a family meeting to approve the sale of the property to pay debts of said succession, the surplus, if any, to be used for the advantage of the said minor. M. Kernion, acting as Procureur General of the King, having been heard, the Council has ordered a family

meeting to be called to give their opinion, said opinion to be reported, and thereon to be ordered what shall appertain.

October 9.

1½ pp.

Letter,
Chanvallon
to Roudès.

Letter to M. Roudès, at St. Pierre, by Thibaut de Chanvillon, notifying him that he left at the Misses Nolag, at the fort, the syrup and asked them to let you know of it. Sorry not to be able to furnish his small provision of coffee. He asks him to treat his purse as his own; not to spare what he asks for his cabinet. Letters will be remitted to him under sealed envelope to my address, and they will burn them in my presence. There is a man near your barber who sells glasses. Please send me for the amount of 6 livres of small ones. Money given to Negro, etc.

October 10.

Petition by Gauvin
for recovery of
a debt.

Petition to the Superior Council by Jean Baptiste Gauvin, merchant of New Orleans, claiming from Philippe Jacques Maigrot a sum of 1388 livres, 15 sols, 5 deniers, lent to him on his obligation of September 28th of last year, wherefore he prays that said Maigrot be cited at the next session, to be compelled to pay said sum, interest, expense and costs. Signed: Gauvain.

Permit to cite.

October 10, 1753.—Permit to cite at the next session of the Council. Signed: D'Auberville.

Notice served.

October 10, 1753.—Notice of citation served on petition of Jean Baptiste Gauvin, merchant of New Orleans, by Marin Lenormand, sheriff and usher, on Sr. Philippe Jacques Maigrot, at his domicile in New Orleans, speaking to Sr. Nicolas, who promised to remit it, ordering him to appear before the Council on the first Saturday of November, at eight o'clock A.M., to answer on said petition. Signed: Lenormand.

October 20.

Petition by
Renaud, acting
for Raimbaud,
for payment
of a debt.

Petition by Claude Renaud, called Avignon, acting under procuration of Joseph Raimbaud, Clerk of the Commissary of the Marine, claiming from Sr. Maesan, merchant of New Orleans, 1500 livres of pelts from the Choctaws and two thousand parchment skins, following his obligation of September 15th of last year, to be delivered six months later. More than a year has elapsed and Maesan has not carried out said engagement, which causes considerable prejudice to said Raimbaud, wherefore he prays that Maesan & Chenié be cited at the next session

of the Council and condemned to pay eight thousand livres as per obligation, interest, expense and costs. Signed: Avignon.

Permit to cite.

October 20, 1753.—Permit to cite.
Signed: D'Auberville.

Notice served.

October 22, 1753.—On Petition of Sr. Claude Renaud, called Avignon, notice of citation served on Sr. Antoine Maxent, at his domicile in New Orleans, and on Sr. Chenié at his domicile, ordering them to appear before the Council on the first Saturday of November, leaving to each separately a copy of the obligation, bond, procuration and legalization, which was certified. Signed: Lenormand.

October 22.

Petition of
Caüe vs.
Madam de
Membrède.

Petition by Sr. Francois Caüe, stating that he was the bearer of a letter of M. de Membrède, asking for two hundred livres and one hundred livres, when Madam de Membrède was in Illinois. The sum of 200 livres was to pay for wood made for her mill. He prays that Madam de Membrède be cited at the next session of the Council, to be condemned to pay 300 livres, expense and costs. Signed: Caüe.

Permit to cite.

October 22, 1753.—Permit to cite on November 3rd. Signed: D'Auberville.

Notice served.

October 22, 1753.—Notice served on Madam de Membrède to appear before the Council on the first Saturday of December, to answer on above petition. Copy left of letter, petition and summons, which were certified. Signed: Lenormand.

Second notice
served on Madam
Membrède and her
husband.

January 11, 1754.—On Petition of Sr. Francois Caüe, resident of New Orleans, in his domicile, Marin Lenormand, resident of New Orleans, served notice of citation on Madam de Membrède and on Monsieur de Membrède, Knight of the Royal and Military Order of St. Louis, Lieutenant of the King, at their domicile, speaking to their servant, ordering them to appear on Saturday, 12th of the present month, in the Council Chamber, to answer on petition of Mr. Caüe, claiming costs, and declaring that present or absent it shall be proceeded to final judgment, and have left copy of this summons, which was certified. Signed: Lenormand.

October 22.

Petition of Caüe
vs. Tixerant
and wife.

Petition by Sr. Francois Caüe, stating that he is the bearer of an obligation of Sr. and Madam Tixerant for the sum of 2410 livres, dated February 26, 1741, on which they still owe petitioner 250 livres, and as he

cannot obtain payment he prays that they be cited before the Council at its next session, to be condemned to pay petitioner said sum. Signed: Caüe.

Permit to cite.

October 22, 1753.—Permit to cite at the next session. Signed: D'Auberville.

Notice served.

October 30, 1753.—On Petition of Sr. Francois Caüe, Sr. Marin Lenormand, usher and sheriff, has served notice of citation on Sr. and Madam Tixerant, residents of New Orleans, to appear before the Council on the first Saturday of November, speaking to them personally, and leaving copy of the petition, obligation, order and of this summons, which was certified. Signed: Lenormand.

October 22.

Petition of
Caüe vs. de
Membrède, as
charged with
succession of
Pellerin, for
collection of
a sum due him
on salary.

Petition by Sr. Francois Caüe, stating that on June 1, 1748, he obtained a decree of the Council, condemning the succession of Sr. Pellerin, Guardian of the Stores of the Company of the Indies in this Colony, to pay petitioner the sum of 5000 livres when the debts of said succession shall have been verified. By virtue of this decree the petitioner had cited before you, on April

23, 1749, M. de Membrède, as husband of Widow Pellerin and as charged with the Pellerin succession, and he asked Sr. Caüe to defer settlement until a certain memorandum which he had presented to the Company of the Indies was answered, as the said Company, by a letter of August 28, 1748, had positively stated that it would make no more remittals than the one-half, which it had already granted to its debtors. The petitioner was willing to acquiesce in this demand, as M. de Membrède promised in full Council that he would be paid on the arrival of the first ship of the King. However, the petitioner has not yet been paid by M. de Membrède, who always delays until he has had an answer from the Company of the Indies. What matters to the petitioner the answer of the Company? The succession of M. Pellerin will not be less indebted to petitioner for 5000 livres. This debt must be paid as preferred over all others, since it represents salaries of ten years during which he worked on accounts of said Pellerin with the Company of the Indies, and for which it was diminished on the said accounts a sum of 19,924 livres, 8 sols, 8 deniers, as appears by the settled account by Le Lenormand, of March 22, 1748, according to subjoined excerpt.

The petitioner, being unable to wait any longer for this sum so legitimately due him, since it represents his salaries, and being in extreme need of it to pay the debts which he was compelled to contract for his subsistence whilst he worked on said accounts, and being on the point of selling his Negroes to satisfy

them, it would be very sad for the petitioner to be thus reduced whilst others tranquilly enjoy the fruits of their labors of ten years, without his having touched a sol. The petitioner has no other means of subsistence for himself and his family but his work. What can he do if refused his salary? This considered, Our Lords, he prays for citation before you of M. de Membrède, as having married the widow of Sr. Pellerin and as being charged with his succession, which by decree of the Council, of June 1, 1748, was condemned to pay the petitioner the said sum of 5000 livres, with interest and costs. Signed: Caüe

Permit to cite.

October 22, 1753.—Permit to cite at the next session. Signed: D'Auberville.

Notice served.

October 30, 1753.—On Petition of Sr. Francois Caüe, Marin Lenormand, undersigned, has served notice of citation on Sr. de Membrède, Knight of the Royal and Military Order of St. Louis, Lieutenant of the King at New Orleans, notifying him personally to appear before the Council at its next session, to hear what shall be ordered on the petition, requiring costs, and leaving copy of said petition, order and this present, which was certified. Signed: Lenormand.

October 25.

Petition of Barbin, as representative of succession of D'Ausseville, for collection of a debt.

Petition by Nicolas Godefroy Barbin, resident of this Colony, as correspondent of the succession of Sr. Raimond Amiotte (Amyault), Ecuyer, Sieur Dosseville (D'Ausseville), stating that there is due to said succession a sum of seven thousand livres, by deceased M. de Noyan, Lieutenant of the King, following his note of June 5, 1742, on which note petitioner has never been able to collect payment. He protested against the seals affixed after decease of Sieur de Noyan. This considered, Our Lords, may it please you to allow to have cited before you Sieur de Chavoye, as tutor of the minor children of said Sieur de Noyan, to be condemned to pay to the petitioner the sum of seven thousand livres carried in said note, with interest on said sum from date of affixing of seals, and costs. Signed: Barbin.

Permit to cite.

October 25, 1753.—Permit to cite at the next session of the Council. Signed: D'Auberville.

Notice served.

October 27, 1753.—By Virtue of the above order and on petition of Sr. Nicolas Godefroy Barbin, in his capacity, notice of citation served on Sr. de Chavoye, as tutor of M. de Noyan's minor heirs, at his domicile in New Orleans, by Sheriff Lenormand, ordering him to appear before the Council on the first Saturday of November,

at 8 o'clock A.M., to hear ordered what is just, speaking as above, claiming costs, and leaving copy of said note, petition and order, as well as of present summons, which was certified. Signed: Lenormand.

This document, like most in this file, is water stained, and with ragged margins.

October 26.

Petition of
Pontalba for
family meeting
to receive
accounts of
Livilliers
succession.

Before us, Francois Huchet de Kernion, Councillor Assessor, Commissioner on this case, at two o'clock in the afternoon, appeared Sr. Joseph Delfau de Pontalba, Captain of troops in this Colony, and tutor of the minor children of deceased Sr. and Dame Petit de Livilliers, who, in his capacity, prayed that the relatives and friends of

said minors be convened to receive his account, stating that having married the said Widow Petit de Livilliers, he remained tutor of the five minor heirs of her first marriage, to whom he rendered account and found himself with the remainder, seven thousand two hundred and some livres for the share of each minor; that since then one of the said minors had died, which increases the share of the others; but as he pays interest on the said sums and that his affairs require his presence in France, he asks to be relieved of his tutorship and that a family meeting be called, on the order of M. Dauberville, Commissioner of the Marine and Ordonnateur, the following be cited by summons of M. Lenormand, namely: MM. de la Houssaye, Knight of the Royal and Military Order of St. Louis, Captain of troops, brother-in-law of said minors; Mr. de Grandpré, Captain of troops, maternal uncle of said minors; M. Lesassier, merchant, town Militia Officer, their cousin by marriage; MM. de Membrède, Knight of St. Louis, Lieutenant of the King; de Bellisle, Knight of St. Louis, Major of New Orleans; Derneville, Captain of troops; and Payen de Chavoye, Knight of St. Louis, Captain of troops, friends of the said minors, to advise on a tutor to be named for said minors, to whom shall be remitted the funds of said minors. The said Sieurs having appeared and sworn to give good and faithful advice, said Sieur de Pontalba declared that he referred to justice and to the friends and relatives of the minors; M. de la Houssaye, brother-in-law of the minors, was unanimously elected as their tutor. M. de Pontalba acknowledged having received from M. de la Houssaye the sum of 609 livres for the revenue accruing to M. Petit, the elder, for the year 1754, which he obligates himself to turn over to him in France, promising, obligating, renouncing, &c.

Done and passed at New Orleans in Notarial Office, the above day, month and year, in the presence of Sieurs Charles Tizonneaux and Joseph Songy, witnesses here residing, who signed after reading the presents. Thus signed in the minute:

Pontalba, Delahoussaye, Tizonneaux, Songy, and we, Notary undersigned: Chantalou (paraph), No'ry.

October 28.

Petition of
Pontalba for
collection
of debt.

Petition by Sieur Garic, acting for Sr. de Pontalba, Captain of Colonial troops, claiming 200 piastres (gourdes) due by the succession of Louis Langlois, following note of August 6, 1748, as the Widow (Langlois)

accepted the community and contracted marriage with Charles Tarascon, who thus finds himself charged with the administration of the goods of this succession. He prays that Sr. Charles Tarascon be cited, in his capacity, before the Council at its next session, to be condemned to pay petitioner 200 piastres (gourdes), interest thereon, and costs. Signed: Garic, for the petitioner.

Permit to cite.

October 29, 1753.—Permit to cite at the next session of the Council. Signed: D'Auberville.

Notice served.

October 30, 1753.—Notice of citation served on Sr. Charles Tarascon, at his domicile, on petition of Sr. Delfau de Pontalba, by Sheriff Lenormand, ordering said Tarascon, husband of Widow Langlois, to appear before the Council at its next session, on the first Saturday of November, leaving copy of the note, petition, order and of this summons. Signed: Lenormand.

October 29.

Petition by
Faugier for
his share and
that of his
brother in the
Des Fontaines
succession.

Petition to the Superior Council by Claude Faguier, resident of this City, stating that he is heir for one-fourth in the succession of Sr. and Madam des Fontaines, his brother and sister, who died in this Colony. Part of this succession amounts to the sum of 1800 livres, which remained due by M. Fleuriau, who was Procureur General of

the King when living. The amount due the petitioner for his share was 450 livres, on which he received 300 livres from M. Fleuriau, on which share there remains due 150 livres, and 450 livres for his brother, Monnier Faguier's share, who gave him power to collect it for him, following annexed procuration. But Sr. Derneville, Captain of troops, who is charged with the succession of M. Fleuriau, refused to pay this sum, wherefore petitioner prays that Sieur Derneville be cited before the Council at its next session, to be condemned to pay said sum of 600 livres, as the remainder of what he collected on his share and that of his brother, and that moreover Sr. Derneville be condemned to pay interest thereon. Signed: Garic, for the petitioner.

Permit to cite.

October 29, 1753.—Permit to cite at the next session of the Council. Signed: D'Auberville.

Notice served.

October 30, 1753.—By Virtue of the above order, and on petition of Sr. Claude Faguier, resident of New Orleans, notice served by Sheriff Lenormand on Sr. Derneville, as charged with succession of M. Fleuriau, at his domicile, to appear before the Council on Saturday, November 3rd, at 8'oclock A.M. Signed: Lenormand.

October 30.

Petition by
Widow Castan
for payment of
price of a planta-
tion, or for
cancellation
of the sale.

Petition to the Superior Council by Claudine Volmart, Widow Castan, called Toulouse, plaintiff, vs. Sr. Garic, defendant: On February 17th, petitioner sold a plantation at the German Coast (Aux Allemands) to said Sr. Garic for 300 livres. She was to be paid 150 livres three months after the sale, and the remaining 150 livres three months after the first payment, as per obligation of Sr. Garic, hereto annexed. Not only did he not meet the first payment, but the second is now two months past due, and he has sold said land to one Blondin for 500 livres, half of which he received in cash, which he should have remitted to petitioner as her property. She has preserved her hypothecation on land sold, wherefore she prays that Sr. Garic be cited at the next ordinary session, to be compelled to pay petitioner the sum of 300 livres, in default of which said sale will remain null and void, and in consequence the petitioner shall remain in possession of the said land and the buildings thereon. Signed: V. Castan.

Permit to cite.

October 30, 1753.—Permit to cite. Signed: D'Auberville.

Notice served.

October 30, 1753.—Notice of citation served on Sr. Jean Baptiste Garic, at his domicile in New Orleans, ordering him to appear before the Council at its next session, on Saturday, November 3rd, to answer on said petition and to hear ordered what shall appertain. Signed: Lenormand.

October 30.

Petition by
Darbellet for
recovery of debt.

Petition to the Superior Council by Louis Darbellet, Ship Captain, now in New Orleans, stating that he holds a note signed by Sieur Maxent, merchant of New Orleans, for the sum of 1000 livres, dated August 9, 1753, and as petitioner is about to leave for France, he prays that Sr. Maxent be cited at the next session of the Council, to be ordered to pay the amount of said note, interest and costs. Signed: L. Arbellet.

(Translator's Note: Name of petitioner and signer are thus given differently in the document.—H. H. C.)

Permit to cite.

October 31, 1753.—Permit to cite.
Signed: D'Auberville.

Notice served.

October 31, 1753.—Notice of citation served on Sr. Maxent, at his domicile, on petition of Sr. Louis Darbellet, domiciled in the house of Sr. Lemesle, called Bellegarde, by Sheriff Lenormand, speaking to Madam Maxent, his wife, ordering him to appear before the Council at its next ordinary session, on Saturday, November 3rd, at eight o'clock in the morning, to answer on said petition and to hear ordered what shall appertain. Signed: Lenormand.

October 31.

Petition by
Des Islets
for payment
of a debt.

Petition to the Superior Council by Sr. Des Islets, stating that he sold to Sr. Raoult pelts for 6593 livres, 14 deniers, on August 10th of the present year, on his note payable in the month of October and accepted by Sr. Goudeau. As Raoult is about to leave and said Sr. Goudeau refuses to pay said sum, petitioner prays to have Srs. Raoult and Goudeau cited, to have the pelts seized and the vessel of Sr. Raoult stopped until payment of said sum. Signed: Desillest.

Permit to cite.

October 31, 1753.—Permit to cite Sieurs Raoult and Goudeau at the next session of the Council. Signed: D'Auberville.

Notices served.

October 31, 1753.—Notice of citation served on Sr. Raoult, at the domicile of Sr. Braquier, speaking to him personally, and on Sieur Goudeau, at his domicile in New Orleans, speaking to his wife, ordering them to appear before the Council on November 3rd, at eight o'clock A. M., leaving to each a copy of note, petition, order and summons, which was certified. Signed: Lenormand.

November 3.

9 pp.

Session of the
Superior Council.
Judgments
rendered:

Session of the Superior Council of November 3, 1753, where were present MM. de Querlorec, Governor; Dauberville, Commissioner-Ordonnateur, acting as first judge; de Membrède, Lieutenant of the King; de Bellisle, Major; Raguet, Councillor, acting as procureur General; Le Bretton, Delalande, Kernion and Lafreniere, Councillors Assessors.

Barbin vs.
Chavoye.

1. Between Sr. Nicolas Godefroy Barbin, correspondent of the succession of Sr. Amiot Dausseville, plaintiff, vs. M. de Chavoye, Captain and tutor of heirs of M. de Noyan, defendant: Seen the petition presented by Sr. Barbin, in his capacity, order and summons of October 25th and 26th, showing that there is due to the succession of Sr. Dausseville by the said Sr. de Noyan

a sum of 7000 livres, as per note of deceased Sr. de Noyan, dated June 5, 1752, which petitioner has not been able to collect, though he protested against affixing of seals after decease of M. de Noyan and had M. de Chavoye cited before the Council, as tutor of the heirs, to be ordered to pay the sum of 7000 livres, with interest thereon since the affixing of the seals, and costs, with deduction of three-fifths loss, following the declaration of the King, published in this Colony and registered January 2, 1745. (No judgment listed.—W. P.)

Pontalba vs.
Tarascon, as
husband of
Widow Langlois.

2. Between Sr. Delfau de Pontalba, Captain of troops, represented by Sr. Garic, plaintiff, vs. Charles Tarascon, as husband of the widow of Louis Langlois, defendant:
Seen the answer of Sr. de Pontalba, order

and summons of October 29th and 30th, and the petition showing that the succession of Louis Langlois is indebted to him for the sum of 200 piastres (gourdes), following his note of August 6, 1748. Heard the conclusions of the Procureur General of the King, that the widow having remarried and accepted the community is charged with the goods of the Langlois' succession, and should pay the 200 piastres, interest and costs. Council has rendered judgment against defendant for non-appearance and orders that he be cited to appear before the Council at its next session.

Widow de Gauvrit
vs. heirs of
the de Gauvrit
succession.

3. Between Madam Catherine Pierre, widow of M. de Gauvrait, when living Knight of St. Louis, Captain of Marine Troops, widower of Dame Marie de Lestrié, petitioner for rendering of account

of deceased M. de Gauvrit's succession, on one side, and Madam Marie Elizabeth de Gauvrit, wife of Sr. de Montleon, now absent, authorized to the pursuit of her rights by decree of the Council of August 4th, and Sr. Jean Baptiste Destréhan, Treasurer of the Marine in this Colony, and Jeanne de Gauvrit, both daughters of deceased Sr. de Gauvrit, hearers of account, on the other side: Seen by the Superior Council the decree of August 4th, appointing the parties; the account presented by the said Dame de Gauvrit and notified to the hearers on August 29th, by Sheriff Lenormand; the marriage contract passed between deceased Sr. de Gauvrit and said Madam de Lestrié, mother of said Madam de Montleon, on April 9, 1713; another contract of marriage passed before M. Rossard on date of August 4, 1727, between said Sr. de Gauvrit and the accountant, mother of Madam Destréhan, with copy of the sale of the plantation called St. Marc by Mr. Hubert to deceased Sr. de Gauvrit, on date of November 26, 1721; the inventory of the goods of the community between said deceased and said Madam de Lestrié, received by M. Rossard on August 2, 1727;

an account of merchandise, Negroes and effects by the Directors of the Company of the Indies to the said *Sieur de Gauvrit* during the two communities, on February 22, 1742; an inventory of effects found after the death of *M. de Gauvrit*, made on petition of the accountant; the debates furnished to said account by *Madam de Montleon*, in defense of said account; notification made on request of *Madam de Montleon*, as she abandons the succession of her mother, *Madam de Lestrié*, recalling only the dowry of 4000 livres, with interest, which she brought to her marriage, conformably to the custom of Paris; a copy of the sale of *St. Marc* to *Sr. Boissier*, November 5, 1728; a petition to the Company of the Indies, below which is an order that the 2000 livres proceeding from sale of said land will remain in the safe for the purchase of rice which will be remitted in payment of said debt of *Sr. Gauvrit*. Seen the conclusions of the *Procureur General*, with the report of *M. Le Bretton*, Councillor Assessor, appointed referee in this affair, all of which duly examined, the Council gave certificate to *Madam de Montleon* of her renunciation of her mother's succession, and in consequence has ordered that she raise, before division, the sum of 4000 livres for the dowry brought by said *Madam de Lestrié*; rejects demands and pretensions of said accountant for reimbursement of this first community due to the Company of the Indies, excepting a sum of 400 livres which served to acquit the plantation of *St. Marc*, which accountant will take back. As to the pension which accountant claims for nourishment and lodging of *Madam de Montleon*, the Council orders that it be compensated by the interest on the said sum of 4000 livres allowed to petitioner on her matrimonial rights, as well as the sum of 500 livres to pay for her preciput. The furniture reserved by petitioner reduced the expense on said account to 150 livres. All the articles carried in the 22d chapter of expense will remain allowed to the accountant, likewise her mourning and the funeral expense as carried. All other demands made by the parties are rejected, and it is ordered that in case of discussion the division be made in the presence of the referee and of the *Procureur General* of the King, and the succession condemned to pay costs. Signed: *Dauberville*; *Le Bretton*.

*Germain vs.
Barbin.*

4. Between *Pierre Germain*, settler, plaintiff, vs. *Nicolas Godefroy Barbin*, also a settler, defendant: Seen by the Council the decree obtained against defendant on the 6th of last October, order and certificate of August 22nd and 23rd, and the petition showing that *Sr. Barbin* owes 3194 livres, 2 sols, as per his note of April 29, 1752, for wood delivered to him. The Council has rendered judgment in default against defendant for non-appearance and ordered that he be cited again at the next session of the Council. Costs pending.

Desillets vs.
Raoult and
Goudeau.

5. Between Sr. Antoine Chauvin Desillets, settler in this Colony, plaintiff, vs. Sieurs Raoult and Francois Goudeau, Surgeon of the King's Hospital, defendants: Seen the petition of M. Desillets showing that he sold to Sr. Raoult some pelts for the sum of 6593 livres, 14 sols, on his note payable in October, which note was accepted by Sr. Goudeau, and as Sr. Raoult is ready to leave, he prays that Sieurs Raoult and Goudeau be cited, to be condemned to pay the value of the note. (No judgment given.—W. P.)

Caüe vs. Tixerant
and wife.

6. Between Sr. Francois Caüe of New Orleans, plaintiff, vs. Sr. and Dame Tixerant, defendants: Seen the petition by Sr. Caüe, showing that he is the bearer of an obligation of Sr. and Dame Tixerant for the sum of 2410 livres, dated February 26, 1741, on which they still owe the sum of 250 livres, wherefore Sr. Caüe prays that they be cited before the Council at its next session, to be condemned to pay the sum of 2410 livres and costs. Seen the aforesaid obligation passed before M. Henry on date of February 26, 1741, the Council has condemned and condemns the defendant to pay to the said petitioner 2410 livres, and to bear costs.

Gauvin vs.
Maigrot.

7. Between Jean Baptiste Gauvin of New Orleans, plaintiff, vs. Jacques Maigrot, defendant: Seen the petition presented by Sr. Gauvin on October 8th, and the petition of Jacques Philippe Maigrot, as bearer of his obligation for 1388 livres, 15 sols, 5 deniers, which he cannot collect, wherefore he prays that said Maigrot be cited before the Council at its next session, to be condemned to pay said sum. Costs pending.

Widow Bodecon
vs. Lemoine.

8. Between Widow Bodecon of New Orleans, plaintiff, vs. Charles Lemoine, carpenter of this City, defendant: Seen the petition presented by Widow Bodecon and the proof that Lemoine made an agreement with the petitioner to repair a gallery eight feet wide and the ascending stairway, that likewise there are some joists to be replaced, and the chimney to be repaired, the whole to be completed by All Saints' day of this year, for the price of 400 livres, without the petitioner being obliged to furnish anything, following said agreement of August 1, 1752. Petitioner states that Lemoine began the said work on the said day and left it unfinished, which causes her considerable damage, as it is not even covered. She prays that she be allowed to employ some other carpenter to complete the work, that Lemoine be condemned to pay 200 livres for indemnity, and that the repairs agreed upon be at his cost. The Council has rendered judgment in default against the defendant for

non-appearance, and orders that he be cited to appear before the Council at its next session. Costs pending.

Renaud called
Avignon vs.
Maxent and
Chenié.

9. Between Sr. Claude Renaud called Avignon, merchant of New Orleans, acting under procuration of Joseph Raimbaud, Clerk of the commissary of the Marine for the port of Rochefort, plaintiff, vs. Gilbert Maxent, defendant: Seen the petition presented by said Avignon, showing that there is due to said Raimbaud by Maxent, the defendant, the sum of 1500 livres for pelts sent by the Choctaws, and 2000 livres of merchantable parchment skins, on his obligation of last September 15th, to be delivered six months later, on which Sr. Masan (Maxent) received for said pelts the sum of 8000 livres cash, and more than a year has since elapsed without Maxent having made any effort to satisfy this debt. Raimbaud prays that Sr. Maxent and Sr. Chenié be cited to appear at the next session, to be condemned to pay solidarily the sum of 8000 livres of said obligation, expense and costs. Council rendered judgment against defendant for non-appearance and orders that he be cited again to appear before the Council at its next session. Costs pending.

Darbellet
vs. Maxan.

10. Between Louis Darbellet, plaintiff, vs. Gilbert Maxan, defendant, both of New Orleans: Seen the petition of said Darbellet, showing that he transferred a note to his order for the sum of 1000 livres to the profit of Sr. Lemuelle. Council has rendered judgment in default against defendant and ordered that he be cited again. Costs pending.

Widow Castan
vs. Garic.

11. Between Claudine Volmart, widow of deceased Castan, called Toulouse, resident of New Orleans, plaintiff, vs. Sr. Garic, also resident of this City, defendant: She sold to Sr. Garic a plantation at the German Coast for the sum of 300 livres, which should have been paid in two payments of 150 livres each in six months. Sr. Garic made no payment and sold the land to Sr. Blondin for 500 livres. Having hypothecation thereon, she prays that Sr. Garic be cited to pay her the sum of 300 livres, and that in default of so doing the said sale will be cancelled and Widow Castan remain in possession of said property, considering the aforesaid obligation under private seal. Costs pending.

Caüe vs.
de Membrède.

12. Between Sr. Francois Caüe, resident of this City, plaintiff, vs. M. de Membrède, Lieutenant of the King, Guardian of the Store, defendant: Seen the petition of Sr. de Caüe, who obtained a decree of the Council, ordering the succession of said Sr. Pellerin to pay the sum of 5000 livres when the debts of the suc-

cession are verified; the petitioner had Sr. de Membrède cited, who then demanded that judgment be delayed until his answer was presented to the Company of the Indies. This demand was granted, defendant having promised before the assembled Council that he would be paid on the arrival of the King's ship, whatever might be the response of the Company. He has not yet been paid, and not being able to wait any longer for what is due him, he prays that M. de Membrède be cited to appear before the council at its next session, to be again condemned to pay to petitioner the sum of 5000 livres, with interest from date of first demand, and costs. Parties heard, with the conclusions of the Procureur General, the Council has condemned the defendant to pay to petitioner the sum of 5000 livres carried in his demand, with interest and costs.

Pontalba asks
to be discharged
from tutorship.

13. M. Joseph Delfau de Pontalba, petitioner: Seen the petition presented by M. de Pontalba, Marine Captain, as tutor of the minor heirs of Sr. and Dame Petit de Livilliers. He states that having married the Widow Petit de Livilliers he remained tutor of five children, to whom he rendered account after their mother's death. The remainder, of 7200 and some livres, remained in his hands for each of them. Since then one of the minors died, which increased the share accruing to each. As M. de Pontalba's affairs necessitate his presence in France, he seeks to be discharged from the tutorship and to remit the funds to the minors, wherefore he seeks to have a family meeting convened to elect a tutor and a curator to said minors. The family meeting was called before the Procureur General and M. Kernion, and M. de la Houssaye was elected tutor of the minors, who is therefore charged with their funds, following account rendered by M. de Pontalba before M. Le Bretton, Councillor Assessor, appointed commissioner in this case, before the Procureur General of the King, by which means Sr. de Pontalba is validly discharged.

Document in small, pale script, blurred and stained.

November 3.

4 pp.

Etienne Layssard
reports on the
drowning of a slave
leased by him.

Petition to the Superior Council by Sr. Etienne Layssard, who states that on the 10th of August one of the Negroes he rented from the minors of the Fazende succession was drowned. At this day the minors exact payment for the said Francois, saying that his lease makes him responsible for deaths, when he assumed

no risks. The two young Fazendes were in his canoe, tied to a stump, and instead of crying to him to come to land they could have untied the canoe and gone to his aid; which considered, the petitioner holds that the said Negro is lost for the

account of the succession, on the testimony of this declaration.
Signed: E. Layssard.

Permit to cite.

November 3, 1753.—Permit to cite the interested parties before the Council at its next session. Signed. D'Auberville.

Notices served.

March 29, 1754.—Notice of citation served on Sr. Etienne Layssard, at his domicile on his plantation, by Marin Lenormand, usher and sheriff of the Superior Council of this Province; on Sr. Alexander Viel, Curator of the minor children of deceased Sr. and Dame Fazende, in the house of Sr. Prevost, speaking to the mulatress, his servant; on M. Derneville, Marine Captain, as charged with the procuration of M. Fazende the elder, residing in New Orleans, speaking to him personally; on Sr. Garic, as charged with procuration of M. Le Doux, Officer of troops, residing in New Orleans, at his domicile, speaking to him personally; ordering them to appear on the first Saturday of next April, at eight o'clock A. M., before the Superior Council of this Province, to answer on facts of said petition, to hear ordered what is just, leaving copy of the petition, order and of these summons, which were certified. Signed: Lenormand.

November 3.

Caüe, petitioner,
for payment of
an obligation
due by Dupart
succession.

Sr. Caüe, resident of New Orleans, petitioner: Seen by the Council the petition of Sr. Francois Caüe, on date of the 31st of last October, the said petition stating that he is the bearer of Letters of Exchange drawn by deceased Sr. Dupart, Captain Commanding the Swiss troops in this Colony, one of 800 livres to order of Sr. Prevost and the other of 1200 livres drawn by Sr. Dupart to order of petitioner, both dated March 12, 1738, which were protested, and petitioner by decree of June 12 and August 6, 1740, was allowed to reimburse them, recourse to be had on succession of Sr. Dupart, which the petitioner satisfied though he had not endorsed the one of 800 livres. The creditors of this succession not having succeeded in liquidating it, and M. de Membrède having married the widow of Sr. Dupart, who is in possession of the greater part of the effects of this succession though she renounced it, and M. Volant, saying he is a creditor and holding papers of said succession which concern the petitioner, and both intending to leave for France, wherefore the petitioner to whom there is due a sum of 2500 livres, principal and interest, asks that this affair be terminated while all those interested are actually in the Colony, namely: M. de Membrède, who married the widow; M. Vollant, as creditor and holding papers; Sr. Chantalou, as depositary (trustee) and holder of the inventory made at the decease of Sr. Dupart and of the funds thereof. In consequence,

let him be appointed curator to the vacant succession of Sr. Dupart to discuss his rights; Sr. Garic has been appointed Curator of said succession. Signed: By the Council. Chantalou, Greff'r.

November 10, 1753.—Notices of citation, on request of Sr. Caüe, served on M. de Membrède, Lieutenant of the King, as husband of Widow Dupart, at his domicile in New Orleans, speaking to him personally; on M. Volland, Captain commanding the Swiss troops, in his house, speaking to him in person; on Sieur Augustin Chantalou, Greffier, at his domicile, speaking to him personally; on Jean Baptiste Garic, residing at his domicile in New Orleans, speaking to him personally; ordering them to appear at the next session of the Council, on the first Saturday of December, at eight o'clock in the morning, to answer on said decree. Signed: Lenormand.

November 3.

Homologation by the Council of appointment of de la Houssaye as tutor of the Livilliers minors, and the discharge of Pontalba from said tutorship, his accounting of the funds of said minors being approved.

Excerpt from the Registers of the Superior Council of November 3, 1753. Seen by the Superior Council the petition presented by M. Joseph Delfau de Pontalba, as tutor of the minor heirs of Sr. and Dame Petit de Livilliers; the order below this, dated October 24th; the citation to relatives and friends of said minors to name a curator for them; the assembly before M. Kernion on the said day; and the conclusions of the Procureur General of the King of this day.

The Council has homologated and does homologate the said advice of relatives and friends to be executed in its form and tenor, and in consequence has ordered that Sr. de la Houssaye shall remain tutor of said minors and will be charged with their funds, following account rendered by said Sieur de Pontalba, which account in case of contestation shall be rendered before M. Le Bretton, Councillor Assessor, Commissioner in this case, in the presence of the Procureur General, by means of which said Sieur de Pontalba will be validly discharged.

Given in the Council Chamber, in New Orleans, November 3d, one thousand seven hundred and fifty-three.

Approval of the accounting of the funds of the Livilliers minors between Pontalba and de la Houssaye.

November 7, 1753.—On This Day, seventh of November, in the year one thousand seven hundred and fifty-three, appeared before the Notary Royal of the Province of Louisiana, residing in New Orleans, in the presence of the undersigned witnesses, Mr. Paul Augustin Le Pelletier de la

Houssaye, Knight of the Royal and Military Order of St. Louis, in the name of and as tutor of the minor children of Sr. and Dame Petit de Livilliers, following the act of assembly, homolo-

gated in justice by decree of the Council hereto joined, who after having counted with M. de Pontalba, former tutor of said minors, as widower of deceased Madam Petit de Livilliers, the funds in his possession belonging to the said succession, as well as to that of Sr. Petit de Livilliers who died in Arkansas and of Miss Pélagie de Livilliers who died in France; after having examined the said accounts and vouchers it is found that said Sr. de Pontalba still holds for these said successions the sum of twenty-seven thousand nine hundred and sixty-eight livres, eleven sols and eight deniers, which sum by virtue of said decree and by the assembly of relatives and friends of common accord was remitted to M. de la Houssaye, in his capacity, who acknowledged having received in cash this day from M. de Pontalba the sum of 27,968 livres, 11 sols, 8 deniers, as well as that of 1217 livres, 10 sols, from that of Sr. Petit deceased in Arkansas, amounting to a total of 29,186 livres, 1 sol, 8 deniers, with which M. de la Houssaye is charged for the share of his wife, Magdelaine Victoire Petit de Livilliers, as for that accruing to the other minors, wherefore M. de Pontalba is validly discharged from said tutorship and of the funds of said minors, as well as the papers which he likewise remitted to M. de la Houssaye, who has acknowledged it. M. de Pontalba has retained the sum of 458 livres, 6 sols, 3 deniers, for funeral expenses and last illness of Miss Petit de Coulangue who died in France, M. de Pontalba declaring that he paid to the minors the pension agreed on for that purpose. M. de la Houssaye, for the interest of said minors, has named their grandfather and their maternal uncle, who have signed this minute. (Signed:) Pontalba; Grandpré; De la Houssaye; Le Sassier; Membrède; Bellisle; Derneville; (illegible); Huchet de Kernion; and we, under signed Greffier.

On which we, above Judge Commissioner, have ordered with the consent of the Procureur General of the King, that said Sieur de la Houssaye shall remain tutor of the said minors and be charged with their goods until their majority, which charge said Sr. de la Houssaye has voluntarily accepted and promised to do his duty. Done on the said above day. Signed: de la Houssaye; Huchet de Kernion; Raguet; Chantalou (paraph), Greff.

November 3.

No. 1392.

Session of the
Superior Council.

November 3.

Petition by
Layssard for
homologation
of accounts
of Fazende
succession.

Session of the Superior Council of November 3, 1753. This document, which presents a repetition of the cases already given for that date, is stained, torn and blurred, and is illegible in some parts.

Petition to the Superior Council by Etienne Layssard, tutor of the succession of the Fazende minors, stating that his account has been settled and praying for homologation of the same. Signed: Layssard.

November 3.

Defense of
Pradel to
citations made
to him in case
of Madam Duval
claim.

Defense presented to the Superior Council by M. Pradel, Captain of Infantry, to the citations made to him on request of M. Garic, acting for Madam Duval. Sr. Pradel begins by excusing himself to the Council for non-appearance, owing to a cold which left him without voice and prevented his leaving

his room. He did not wish to pay to Rev. Father Fouré the sum of 590 livres, 15 sols, as did the other coheirs under benefit of inventory. For other reasons, too long to cite, he did not think he could pay on collated copies, without exposing his children to pay a second time, which prompts him to exact that he be shown the original notes and the latter of exchange. When he recognizes the notes and signature, he will make no difficulty; but to pay in 1750 copies of notes of 1727, the term is too long to exact payment on copies. He petitions to be allowed to cite a protest of this kind he had before a presidial court of Lower Limousin, where the judges are most enlightened. He had lent 1300 livres to Mr. Tulle, to pay his Colonial debts in order to be able to leave the Colony without difficulty. He heard of the death of his creditor and sent his procuration to France and a copy of the note to Mr. Meisnard, (both collated copies). He lost his case and was condemned to bear costs.

November 5.

No. 1393.

Opinion of the
family meeting
on affairs of
the Noyan
minors.

Before Louis Cesard (Cesaire) Le Bretton,

Commissioner named in this case, appeared M. Payen de Chavoy, as tutor of the Noyan minors, who said and declared that he presented a petition to M. Dauberville, Commissioner-Ordonnateur, for permission to

convene a meeting of relatives and friends of the Noyan minors to give their opinion on the exchange he would wish to make of Horn Island, given to Sr. de Noyan, Jr., by Sieur de Bienville, for a lot situated in New Orleans, by virtue of which and the order of Sr. Dauberville and of the notice of citation served on the relatives and friends of said minors, namely: MM. Jean Baptiste Faucon Dumanoir, Militia captain, maternal grandfather of the said minors; Chauvin Desillests, maternal uncle; M. de Belleisle, Major of New Orleans, uncle by marriage; de Livaudais, Captain of the Port, first cousin; de Membrède, Lieutenant of the King; Azur (Hazeur) Captain of Marine troops; and Vollant, commanding the Swiss troops, friends of said minors, and after oath taken by them to give good and faithful advice, they said that it was to the interest of the minors to make the said exchange of Flamand's lot. Signed: JB. Faucon Dumanoir; Chavoy; Bellile; Membrède; Desillest; Vollant; Hazeur; Livaudais.

Order for
homologation.

Whereon, we Judge Commissioner, have ordered and do order that the present be reported to the Superior Council and homologated.

November 8.

Petition by
Layssard for
debt due him
by Mallet
succession.

Petition to the Superior Council by Etienne Layssard, saying that the succession of Paul Mallet owes him the sum of six thousand one hundred and eleven livres, following his notes of April 18 and 19, 1747, in his name and in that of Antoine

Mallet, his brother, on which petitioner has received from Sr. Chantalou and from Sieur Dulinnon the sum of 350 livres. As the petitioner needs his funds, and as the Attorney for Vacant Estates has made no effort to force those who owe him to pay, he prays that the Court order that the Attorney of Vacant Estates send said notes to the subdelegate of M. the Ordonnateur at Arkansas, to make said recovery, or to remit them to petitioner on his receipt to send them to the Commandant of said Post. Moreover, petitioner prays that the Attorney of Vacant Estates render account of the funds that he received from sales made after decease of said Mallet. Signed: E. Layssard.

November 14.

4 pp.

Petition of
Antoine Prevost
and wife vs.
Gilbert Cacadier,
their son-in-law.

Petition by Antoine Prevost and Jeanne Maginet, his wife, stating that Jeanne Maginet had for her share in different successions some revenue on the City Hall at Paris, of about 9000 livres. On account of the distance and the difficulty in collecting said revenue, and to finish liquidating a house acquired from Sr. Voisin, they have obtained from Sieur Dauberville, Commissioner and first Magistrate, permission to sell said revenue (rentes). Having advertised in consequence, Sr. Gilbert Cacadier, called Dusigne, their son-in-law, opposes the sale, without noticing that only the petitioner has such a right. (Lower part of page torn away.) Being already in their old age, they cannot make this advance to Dusigne; besides, his bad manners and the ill treatment to which he has subjected them do not induce them to grant this favor, to which they are in no way obligated.

May it please you, our Lords, to have Sr. Cacadier cited to appear before the Council, to be condemned to pay the sum of 1142 livres out of three thousand livres which had been promised, and moreover to be condemned to pay interest on the said sum from April 4, 1742, to this day; moreover, let him produce the means he has to oppose said sale of the said contracts. May it please the Court, on account of the nullity of his rights, to declare his opposition null and of no effect, and it will be disregarded by the petitioners. Moreover, let him be condemned to costs, expense and damages, for delay of said sale. Signed: Anne Maginnet; Prevost.

Permit to cite.

November 14, 1753.—Permit to cite.
Signed: Dauberville.

Notice served.

November 17, 1753.—On Petition of Sr. Prevost and his wife, Jeanne Maginnet, Marin Lenormand has served notice of citation on Sr. Cacadier, called Dusigne, merchant of New Orleans, at his domicile in his house in New Orleans, speaking to him personally, ordering him to appear before the Council at its next session, on the 12th of the present month, at eight o'clock A. M., to answer on the above petition, declaring that it shall be proceeded to judgment whether present or absent, and left copy of this present, which was certified. Signed: Lenormand.

Document badly damaged.

November 18.

3½ pp.

Petition by Destréhan for survey of a plantation.

Petition to MM. Kerlerec, Governor, and D'Auberville, Commissaire-Ordonnateur, by Jean Baptiste Destréhan, stating that he acquired a plantation which formerly belonged to M. de Gauvrit, and it being on the river he is occasioned considerable expense. He prays that the Surveyor

General be ordered to determine its limits, in the presence of the neighbors. Signed: Destréhan.

Order for survey.

Order to determine limits, in the presence of

M. Deverges, Chief Engineer of the Province, and on the report to be ordered what shall appertain. Signed: Kerlerec; D'Auberville.

Document in pale script, water soaked, and with ragged margins.

November 20.

7¾ pp.

Letter, Testar to Chantalou.

Letter from Testar of La Rochelle to M. Chantalou in New Orleans. Refers to his last letter of August 30th. The present is to advise of the change made for account of their partnership, on the ship "La Constance" of this port, Captain Raoult, the elder, in command. It consists of 26 pieces, quarters, barrels, cases, marked bales or numbered as in the bill of lading, including the invoice of merchandise. His brandy is much higher than theirs and of inferior quality; the price is lower on account of the abundant crop. Had their affairs insured to cover all events. It cost 4%, which he made up on all the articles shipped. They gain by the insurance. If he had foreseen this armament he would have sent all the articles on his memoranda... (illegible)... expects to send stronger cargoes to give more vigor to their partnership. Made a fine purchase of stockings and send an assortment of same. Advises him not to extract anything from the packages; explains certain marks; sends mirrors to the number of nine. Two were broken in transit to La Rochelle; he had them repaired and divided the cost on all. Sends six pairs of knitted stockings to be worn as socks, marked 30 cts. per pair,

which price is lower than that on the bill of lading. In case No. 14 is a pasteboard box containing lace, which price you (Chantalou) fixed. In one of the cases you will find Spanish sealing wax; there is none finer. There are colored stockings in the case. In the wooden box you will find silk lace, the invoice of which follows theirs. It is an ambitious mother who interests you, who puts merchandise aside for her daughter's household. We have interest in obliging her; make the best of it. She will remain obligated, as well as the father and daughter. If your wife and the little one whisper in your ear, as you told me, I summon you to give them this satisfaction, which will please me to oblige her . . . (illegible) . . . explain what you like . . . (illegible) . . . proposes fine garnet. You will find them in a snuff box with a book of hours. I had them chosen by a friend with taste. Hopes Madam will be satisfied. In case No. 28 are the church ornaments you asked for. The hemp is marked linen; it is very fine. I procured the cartons (pasteboard boxes). The Company of the Indies has increased it 20 centimes per pound. The gold tape you will receive shortly; it is of real gold gilding. The Rhinoceros is loading for your Colony and will leave in January. You will do well to sell before its arrival. L'Union, belonging to Mr. Rasteau, is delayed. In the affair of Gerbe, M. Rasteau has replevy on the seizure and confiscation of articles. Friendly messages to Chantalou and his wife from Dhaben, who is satisfied with his employment. As he is friendly with M. Raoult, he gave him a small seaman's venture (100 pistoles), for which you will give him a letter of exchange. If you render him a service I shall be obliged to you. Did not find the Cabaret (tea board) with 12 cups. Will have it sent from Paris and will send it by the first occasion . . . (illegible) . . . which he offers to Madam Chantalou . . . (illegible) . . . For half account between us invoice amounts to 9870 .. 47 .. 16
 For account of Madam Chantalou..... 87
 For that of my wife..... 364 .. 19 .. 9

10321 .. 17 .. 3

November 22. Bill of lading of merchandise to be delivered by M. Raoult, the Captain of the Constance, anchored before La Rochelle, to M. Chantalou. Signed: Raoult, Laine.

Receipt.

November 22, 1753.—Receipt by J. Raoult, Captain of the Constance, for two quarts of brandy and one quarter of gunpowder, for account and risk of M. Chantalou of Louisiana, for which was paid the sum of 31 livres. Raoult signed three bills of lading of the same tenor, one executed the others are of no value. He does not guarantee against leakage. Signed: Raoult, Laine.

November 22. **Letters** from La Rochelle, addressed to Chantalou by Testar: the first relating to the invoice of the merchandise sent; the second sending bill of lading of merchandise enveloped in oil cloth; the third asking for a friendly service, for which this present will be his authority. If necessary he will send a procuration. Signed: Testar.

Three letters,
Testar to
Chantalou.

November 22. **Petition** to the Superior Council by Francois Goudeau, surgeon, stating that he is the bearer of a note to order of M. Prevost for the sum of 3377 livres, 14 sols, 6 deniers, due on the sixth of last April. He prays that Sr. Prevost be cited, to be condemned to pay said sum without delay, with interest, expense and costs.

Petition by
Goudeau for
payment of an
obligation.

November 22, 1753.—On petition of Sr. Francois Goudeau, Surgeon of the King, residing in New Orleans, notice of citation served on Sr. Prevost, goldsmith, at his domicile in New Orleans, speaking to him personally, and leaving copy of the note and of petition, which was certified. Signed: Lenormand.

Second notice
served.

December 24, 1753.—On Petition of Sr. Francois Goudeau, Marin Lenormand served notice on Sr. Prevost to appear before the Council at its next session, on Saturday, January 12th, leaving him a copy of this present, which was certified. Signed. Lenormand.

November 27. **Receipt** to M. Chantalou for one hogshead of indigo, embarked on the flute "Cameleon", commanded by De Turpin, which he loaded at the risk of M. Testar of La Rochelle, on payment of 15 livres. We have signed this bill of lading, one of the three, one of which being executed the others are of no value. Signed: Maufle; D'Auberville.

Receipt to
Chantalou.

Certification. Seen by the Commissioner of the Marine, acting as Ordannateur. Signed: D'Auberville.

No date. **Memorandum** of hardware, dry goods, toilet articles, stocking, etc. without any address, nor full amount.

Memorandum.

December 1. **Note** by Viquenau to M. Roudès, asking him to pay for the two voyages made by his Negro for him. Signed: Viquenau.

Slip.

December 4.

1 p.

**Invoice of
merchandise
and contract.**

Invoice of merchandise sent to M. de la Tiolais, Captain for the King, on the Rochefort going to Mobile, by M. Bouguereau. Said de la Tiolais refuses the merchandise and obligates Bouguereau to take it back, for fear of damage, which damage shall be divided between us according to the risks of the sea. Likewise the profits will be divided by half, after Sr. Bouguereau will have deducted the cost of the merchandise. The profit thereon, which it may please God to grant us, shall be divided in half, after Sr. Bouguereau shall have raised the price of said merchandise. List amounting to 455 livres. Sr. Tiolais acknowledges having received from MM. Massé and Bouguereau the value of 455 livres, 15 sols, which he will endeavor to sell to best advantage, once he has withdrawn the capital. Signed: Massé; Bouguereau.

It is understood that this sum of 455 livres is the cost price of said merchandise. Signed: Tiolais Coquelin.

December 4.

2½ pp.

**Will of
Antoine Millet,
steward of
the King's
plantation.**

Nuncupative Will of Antoine Millet, steward of the King's plantation, in full possession of his faculties, as it has appeared to the witnesses, there present. The testator knowing that the hour of death is uncertain and not wishing to be taken unprepared, has declared to us his last will without suggestions from any person whatever, but of his own volition, in the following articles: As a good Christian he recommends his soul to God, the father Almighty, and to Jesus Christ, our Savior, and to the Holy Ghost, one sole God in three persons, to the glorious Virgin Mary, to Saint Anthony, his patron, and to all the saints, whom he prays to be his intercessors before God for the remission of his sins; for his body, he wishes it to be interred in the cemetery of this Parish, and orders, before anything else, that his debts be paid by his testamentary executor, and that all wrong he had done his neighbors be repaired. He declared to us that he has in the City two lots on which is built, on the ground, a house measuring forty feet, contiguous to that of Sieur Timballier on one side and to that of Louis Harang on the other, for which house he is indebted to Sieur Wiltz for three hundred livres, to be paid in the course of the year one thousand seven hundred and fifty-four; he declared that he owns twenty-seven horned cattle, small as well as grown, ten sheep, in which there are eight females and two males; a poultry yard and a cellar (cave) of olive oil; a bolt of linen of six dozen towels, and a bolt of linen of fifty others; a bolt of hemp (common), twenty-two ells of ticking; one bolt of "cholet" linen, off of which a few ells have been cut; a bolt of cottonade No. 18; two bolts of ticking of 30 ells; 12 calico handkerchiefs, one bolt of tobacco handker-

chiefs; two bolts of chemise cotton; one dozen table knives; 27 other bolts of linen, and other small effects to be found in the clothespress in the room; two silver covers, two cups and a snuffbox; silver buckles, a silver watch given to M. de Launais (Launay) to have repaired in France. He declared to us that on New Year's Day there would be due to him three months salary. Such is the condition of the affairs that the said invalid declared to us, and he requested the Intendant and Councillors of the Superior Council to allow him to name Mr. Wiltz as tutor of his children, as his friend and the person in whom he has most confidence, hoping to leave in his hands all that belongs to him, to use for his children as a father, and to have given to them an education suitable to their condition. Such is the last will of said invalid, who dictated them (the terms) plainly and intelligibly to Sieur Curé. Antoine Millet declared that he thus wished and intended, in the presence of Raimond Bardon and Jean Baptiste Dani, who with the said invalid have signed with me this seventh of December, one thousand seven hundred and fifty-three. Signed: Millet; F. Dagobert, Cap. Curé; Jean Baptiste Dani; Raimond Bardon.

Document torn, with ragged edges, and text destroyed in some parts.

December 5.

Bill and receipt.

Monsieur Mallevoisin owes to Arihaine for four months and a half of rent for a house which he partly occupied from July 15th to the end of November at 25 livres per

month	112 Ls. 10 Ss.
	50 10
	<hr/> 163
	72 15
	<hr/> 90 15

Order for payment.

December 31, 1753.—Prays Mr. Mallet Voissins to pay to order of M. Roussillon the sum of 90 livres 15 sols. Signed: Arihaine.

He refuses mandate of Sr. Roudet, having no account for him. December 31, 1753. Signed: Tephaine.

Received from M. Malvesin the above amount. January 8, 1754. Signed: Roussillon.

December 28.

Petition by Héry for citation of Louis Brazier in matter of succession of mother of Héry's wife.

Petition of Francois Héry, called Duplanty, as husband of Magdelaine Brazier, called Tourangeau, stating that about twenty-five years ago one Jeanne Tremant, mother of his wife, died and that Louis Brazier had no inventory made, and that consequently the community continued until last August, when Sr. Tourangeau dissolved it by an inventory made before M. Kernion, Commissioner appointed on

this case. The wife of the petitioner, with her brother, Sr. Louis Brazier, being of age, were the heirs of their mother and able to enjoy their rights in this succession. The petitioner needed what was coming to his wife, intending to establish a plantation and to do it solidly. Wherefore he prays that Sr. Louis Brazier, called Tourangeau, their stepfather, be cited to be compelled to render account of the community between himself and Jeanne Tremant, his wife, following the inventory made lately, before such Councillor as may be appointed for that purpose, that the account be furnished, and that the immovables be sold judicially in order to come to a division. Signed: F. Héry.

Permit to cite.

January 3, 1754.—Permit to cite at the next session. Signed: Dauberville.

Notice served.

January 3, 1754.—Notice of citation served on Sr. Louis Brazier, on petition of Sr. Héry, husband of Magdelaine Brazier, by Marin Lenormand, Sheriff of this Province, residing at New Orleans, ordering Sr. Louis Brazier, Senior, residing at Bayou St. John, domiciled in the house of Sr. Duplanty, speaking to his Negress, and ordering him to appear before the Council, on Saturday, 13th day of the present month, to hear ordered what shall appertain, leaving copy of this present, which was certified. Signed: Lenormand.

Defense of
Louis Brasillier
to the above
petition.

January 12, 1754.—Defense of Louis Brasillier called Tourangeau against Francois Héry, called Duplanty, husband of Madeleine Brazilier. The defendant never having sought to render account had an inventory made before M. Kernion, Commissioner appointed by the Council. He asks only one month in which to have said account made, and asks that a Councillor be named before whom it can be pronounced. Signed: Hélo, acting for Sr. Tourangeau.

Document badly damaged.

December 28.

Petition by
Belthremieux
for payment
of a debt.

Petition by Sr. Belthremieux, merchant of La Rochelle, claiming that one Bunel, goldsmith, owes him the sum of 830 livres, 9 sols, 4 deniers, remainder of the sum contained in his note of April 4, 1753, payable in four months, which was protested on December 12th. This considered, and seen the protested note of Sr. Bunel, petitioner prays that said Bunel be cited before the Council at its next session to be bodily condemned and by seizure of goods to pay without delay the sum of 830 livres, 9 sols, 4 deniers, the remainder of his note, with interest, and all costs and expense. Signed: Belthremieux.

Permit to cite.

December 28, 1753.—Permit to cite before the Council. Signed: D'Auberville.

Notice served.

December 28, 1753.—Notice of citation served on Sr. Bunel by Marin Lenormand, to appear before the Council on the 12th of next January, to hear ordered what shall appertain. Signed: Lenormand.

December 28.

Petition by
Belthremieux
for payment
of passage.

Petition by Laurent Belthremieux, merchant of La Rochelle, at present in New Orleans, for payment by André Carriere of 150 livres for his passage from the Cape to Louisiana, in 1751, in the ship "le Marquis", where he took his meals at the Captain's table, which he has not paid, wherefore he prays that he be cited before the Council at its next session, to be compelled to pay said sum. Signed: Belthremieux.

Permit to cite.

December 28, 1753.—Permit to cite. Signed: D'Auberville.

Notice served.

January 4, 1754.—Notice of citation, on request of Sr. Belthremieux, served by Sr. Lenormand on Sr. Monbrun Carriere, domiciled in the house of St. Joseph Carriere, to be compelled to pay said passage, requiring costs. Signed: Lenormand.

December 28.

Petition by
Belthremieux
for payment
of a debt.

Petition by Sr. Laurent Belthremieux of La Rochelle, at present in this Colony, claiming a debt due by Sieurs Bunel, merchant, and Blanpain, settler, who owe solidarily the sum of 1671 livres, 11 sols, on a note of last April 4th, payable in six months. This considered, may citation be issued to said Bunel and Blanpain, at the domicile of Bunel, to be compelled to pay solidarily and by seizure of goods the said sum mentioned in their protested note, with interest. Signed: Belthremieux.

Permit to cite.

December 28, 1753.—Permit to cite. Signed: D'Auberville.

Notice served.

December 31, 1753.—Notice of citation served on Dominique Bunel, goldsmith, and Joseph Blanpain, to appear before the Superior Council at its next session, on Saturday, January 12th, at eight o'clock A. M., to hear ordered what shall appertain. Signed: Lenormand.

Upper margin of document torn.

(To be continued.)

2
cont

**INDEX TO THE SPANISH JUDICIAL RECORDS
OF LOUISIANA
LXIII.**

January-February, 1784.
(Continued from July, 1939, Quarterly)

By LAURA L. PORTEOUS.
(With Marginal Notes by Walter Prichard)

Spanish officials appearing in this installment:

Esteban Miro, Colonel of the Fixed Regiment of Infantry of this Place and Governor, ad interim, of the Province.

Martin Navarro, Intendant General of this Province and of the Royal Treasury.

Alcaldes: Francisco Maria de Reggio; Nicolas Forstall.

Escribanos: Fernando Rodriguez; Rafael Perdomo.

Juan Doroteo del Postigo y Balderrama, Auditor of War, Honorary Judge of the Royal Audience of Guadalajara, and Assessor General of this Province.

Nicolas Fromentin, Deputy Sheriff.

Luis Lioteaud, Judicial Accountant and Official Taxer for Costs of the Court.

Attorneys: Pedro Bertonière; Francisco Broutin.

Appraisers: Adrian Joseph de la Place; Andres Waukernie.

Arbitrators: Raymond Gaillard; Santiago Jurdan.

Witnesses: Manuel Galvez; Joseph Becat; Phelipe Guinault; Manuel Guerrero; Francisco Carcasses; Juan Baptiste Seizant; Valentin Saulet; Pedro Cowley; Santiago Lemelle; Francisco Mayronne; Antonio Cavelier; Luis Camus; Pedro Miraval; Juan Bautista Labatut.

January 10, 1784.

Testimony given for Castell Sowley, who claims the proceeds from a cargo of freight directed to Miguel Fortier.

No. 3292. 10 pp.

Court of Alferez Francisco Maria de Reggio.

No Assessor.

Escribano, Fernando Rodriguez.

This case illustrates the legal procedure involved in proving ownership of a cargo of freight brought to Spanish New Orleans, when the owner has failed to bring with him the papers necessary to establish his claim to the property.

freight, therefore he prays the Court to order testimony received for him in this matter, and that the witnesses he will present be made to declare, under oath, that they know the cargo shipped on board the Brigantine belongs to him, and also upon any other particular that may give credit to what he has stated above. Alferez de Reggio rules: Let the testimony that this party offers be received, and done deliver the depositions of his witnesses to him.

The first witness presented is Pedro Rousseaux, Commander of the Galveston, who declares that while in Jamaica he heard several persons say that the cargo placed on board the Hazard was bought by Castell Sowley, and that Mr. Bezin told him the former advanced the money to buy the freight shipped on the Brigantine.

Bernardo Bonhomme said he was a passenger on the Hazard and knows that Mr. Sowley loaded the Brigantine with a part of the merchandise he had bought.

Alexo Reaud states that Mr. Depui, owner of the Hazard, told him that the cargo consigned to Mr. Fortier belonged to Mr. Sowley.

Gilberto Antonio de Maxent, Colonel of the Royal Armies, Commander of the Militia of New Orleans, Assistant for Public Administration and to the Captain General of the Province of Louisiana for the respective Branches for the Indians, certifies that while he was in Jamaica Castell Sowley consulted him concerning a transaction that had been proposed by Mr. Bezin, and

Castell Sowley petitions to say that the cargo shipped to this Province, consigned to Miguel Fortier, belongs to him. Mr. Bezin, a merchant of Guarico, was also interested in the transaction. Owing to the fortunes of war, he was obliged to make several unexpected voyages before he finally arrived in this Province. Because of these conditions he has not brought the papers concerning the said cargo which is now in Miguel Fortier's keeping. The latter refuses to deliver it to him, or the funds realized from the sale of same, since he has failed to produce these papers, left in Guarico for greater safety. It is well and generally known that he is the real and legitimate owner of the

in consequence the former obtained a consignment for the Hazard, purchased with his own funds, to be sent to Guarico, French West Indies, where it was discharged and sold. From there the Brigantine took another cargo for Louisiana. Sowley also added that he had been advised to direct it to Miguel Fortier, a merchant at New Orleans, which he did. All of this is well known, therefore it can not be doubted that the freight that arrived from Guarico, on the Hazard, directed to Miguel Fortier, is the same that was purchased with the funds Sowley had advanced in Jamaica (to buy the first lot of merchandise), and that the money proceeding from its sale (was used to acquire the second lot), which is now in the consignee's possession. In testimony whereof he gives the present in New Orleans on the nineteenth of January of one thousand seven hundred and eighty-four. (Signed) G. A. De Maxent.

Castell Sowley again petitions, this time to say that, as the foregoing declarations and certifications, duly presented, show, the cargo shipped on the Hazard belongs to him. Therefore, in virtue of the above and in accordance with the merits of his representation, he prays to have Mr. Fortier ordered to deliver to him all funds realized from the sale of this freight. Francisco Maria de Reggio rules: The foregoing certification having been presented, let it be attached to the proceedings instituted in this affair, and let the records of this case be delivered to this party.

The plaintiff enters a second petition, to the effect that it has been proven by the foregoing depositions that he is the owner of the cargo brought on the Brigantine, the Hazard, therefore all that has been realized from the sale of it belongs to him. He prays Alcalde de Reggio to order Mr. Fortier to deliver same to him. The Court sends this petition to the defendant.

Miguel Fortier answers, setting forth that Mr. Depui, owner of the Hazard, told him the cargo brought on board his ship belongs to Castell Sowley. The funds realized from the sale of same remain in his possession and he will deliver them whenever he is ordered to do so judicially. He further adds that Mr. Depui also told him this freight was purchased with the money paid for merchandise which Sowley had bought in Jamaica and shipped on the Brigantine to Guarico and sold there. Alcalde de Reggio receives this petition and later decrees: Considering the foregoing declarations, Antonio Gilberto de Maxent's certification and Miguel Fortier's written petition, His Honor says: It has been proven that Castell Sowley is the legitimate owner of the funds now in Miguel Fortier's possession, realized from the sale of the cargo brought to this Port on the Hazard, owned by Mr. Depui, purchased with the proceeds from another consignment sold in Guarico. Therefore he must order and does

order Miguel Fortier to deliver to Castell Sowley all and any sums of money he may hold in his possession, proceeding from the sale of the freight shipped on the Brigantine. Mr. Sowley must sign a receipt, in favor of the said Fortier, for the full amount received, besides remaining obligated to him to the extent of his present and future property for anything that may happen.

Castell Sowley gives the following receipt: In the city of New Orleans, on the ninth of February of the year one thousand seven hundred and eighty-four, before the Escribano and undersigned witnesses, appeared: Castell Sowley, a resident of this city, known to Fernando Rodriguez, who acknowledges to have received from Miguel Fortier the sum of 6108 pesos that has come to him from the sale of the cargo of the Brigantine, the Hazard, that he was ordered to deliver, by decree rendered by Alcalde Francisco Maria de Reggio, dated the fourth of February of the present year. The Escribano attests to this delivery because it was made in his presence, and thus he has executed and signed this receipt. The witnesses were Manuel Galvez, Joseph Becat and Phelipe Guinault, residents of this city, here present. In this copy Castell Sowley alone signs. The receipt is attested to by Fernando Rodriguez.

January 12.

**Proceedings brought by
Juan Caduc against Esteban
Chambon called Cendicier.**

No. 3329. 4 pp.

Court of Governor Esteban
Miro.

Assessor, Juan del Postigo.

Escribano, Fernando Rodriguez.

To collect a debt.

This case illustrates the legal procedure involved in collecting a debt by executory process, when the creditor does not have a written instrument evidencing the obligation and when the debtor claims to have discharged previously a part of said debt.

entrusted (to the Escribano), and done let the deposition be delivered to Mr. Caduc.

The first petition was filed during the latter part of the year 1783, but owing to the press of circumstances, Governor Miro, on Assessor Postigo's advice, did not render a decision until January 12, 1784.

This record opens with Juan Caduc's petition to say that Mr. Cendicie owes him 53 pesos 3 reales, but he has no paper to prove the debt. Therefore he prays to have the defendant, under oath, declare whether or not he owes this amount, and done order his deposition delivered to the petitioner. The Court, on the Assessor's advice, rules: Let the defendant swear and declare to the contents of this petition, as requested, the taking of the declaration to be

Fernando Rodriguez, in virtue of the commission conferred upon him, receives Esteban Chambon's oath, which is taken in conformity to law and under which he promises to speak the truth. He was examined upon the tenor of the foregoing petition, and he answered that it is true he did owe the abovesaid 53 pesos 3 reales, but has already paid 4 pesos 4 reales on the debt.

On January 21, 1784, the plaintiff enters a second petition, stating that it is evident from his opponent's declaration that he owes him 49 pesos 5 reales, therefore he prays for a Writ of Execution against his person and estate for this amount, its one-tenth and costs. Governor Miro, on Licenciado Postigo's advice, decrees that he must condemn and does condemn the said Cendicie to pay Juan Caduc the sum of 49 pesos 5 reales, its one-tenth and costs. This is his decision, thus he has ordered and signed. Fees 12 reales.

The next entry is the Writ of Execution, reading: Let the Sheriff of this city, or in his place the Deputy Sheriff, request Esteban Chambon, called Cendicion, to pay Juan Caduc, immediately, the sum of 49 pesos 5 reales that it is evident he owes him, and if he does not pay at once take execution against his person and estate sufficient to satisfy this amount, its one-tenth and costs, which must be placed in the Public Depository at the disposition of this Tribunal, by decree rendered this day. Thus it has been ordered. New Orleans, January 21, 1784. (Signed) Esteban Miro.

In the city of New Orleans, on the twenty-fourth of January of the year one thousand seven hundred and eighty-four, appeared: Nicolas Fromentin, and he said that with the Writ of Execution on the reverse side of this page, he requested Esteban Chambon, called Cendicier, to pay Juan Caduc, immediately, the sum mentioned, and because he did not place any property on manifest he took execution against his person, and in testimony whereof he ordered the Escribano to set this down as a matter of record, to which the latter attests and signs. (Signed) N. Fromentin, before Fernando Rodriguez, Escribano Publico.

[**Note:** Nothing further is done in the matter, as far as the records show, after the defendant is arrested for debt.—L.L.P.]

January 19.

Intestate Succession. Proceedings taken at the death of Nicolas Pertuy (Pertuit). Inventory and appraisement of the estate.

The record opens with the official announcement of the death of Nicolas Pertui(t), which reads: In the city of New Orleans, on the nineteenth of February of the year one thousand seven hundred and eighty-four, Señor Don Juan del Postigo y Balderrema, Auditor of War for the Army of the

No. 130. 63 pp.

Court of Governor Esteban Miro.

Assessor, Juan del Postigo.
Escribano, Rafael Perdomo.

This case is of interest to the student of legal history of Spanish Louisiana, for the procedure involved in settling the succession of a deceased soldier who has left minor heirs. The student of the economic and social history of Colonial Louisiana finds in the proceedings a lot of source material, in the matter of items of wearing apparel, household and kitchen furniture, and the equipment of a bakery, as well as the prices at which these items were inventoried. Light is also thrown upon the prices of slaves and real property in New Orleans at that date; and the notes, papers, and bills shed light on the business methods of the period, as well as on the cost of funerals, etc. The final proceedings in the suit are not completed until 1787, over three years after the case comes before the Court.

Province of Louisiana and Assessor General, says: Nicolas Pertui, a soldier of the Artillery of this said Province, has died, and after consulting with the Governor, as required by Royal Decrees upon the successions of soldiers, Don Esteban Miro ordered and did order him to go to the house of the deceased Pertui to proceed with the making of the inventory of his estate. The Governor, with the assistance of the said Auditor, then instituted the necessary proceedings to open the succession by this act. Thus it was decreed, to which the Escribano attests. (Signed) Estevan Miro. Licenciado Postigo. Rafael Perdomo states: By His Lordship's order, as Clerk of the Court for War.

The Death Certificate.

In the city of New Orleans, on the said day, month and year, the Escribano went to the late Nicolas Pertui's house, where he found him stretched out upon a bed, to all appearances dead, and as such they had arranged to bury the body. He sets this down as a matter of record, to which he attests. (Signed) Rafael Perdomo.

Collection of the Keys.

On this day the Escribano went to Nicolas Pertui's house for the purpose of collecting the keys of the trunks left at his death. One was delivered to him by the decedent's wife, which he holds in his possession at the disposition of this Tribunal. (Signed) Rafael Perdomo.

Certification.

Fernando Rodriguez, Escribano Publico del Numero for His Majesty, in this city, certifies, as best he can and must, that Nicolas Pertuit has never made any will, before him, nor is there one in his Archives. New Orleans, January 20, 1784.

Juan del Postigo names a Tutor for the Pertuit minors.

Juan del Postigo, having seen these records, said: That considering Nicolas Pertuit had died intestate he must name and does name Mariana Durocher tutrix to his minor children. Let her be notified so that she may accept and take oath before the present Escribano, to whom he gives the necessary commission for this purpose. She must also

give a satisfactory bond in due form, so that in accordance with same a decision may be rendered.

Certification, acceptation, oath and bond.

In the city of New Orleans, on January 24, 1784, pursuant to the foregoing decree, the Escribano notified Mariana Durocher of her appointment as tutrix to her minor children. She said she accepted and did accept, and swore by God, Our Lord, and a Sign of the Cross, according to law, to proceed well and faithfully with the duties of her office. She promised to take council of well informed, conscientious persons who can and will advise her. Andres Armesto was present, who said he constituted himself bondsman for the said Mariana Durocher, and obligated himself, in case she does not comply with what she has offered to do, because she does not know how or does not wish to fulfill those duties, that in that event he will execute them as bondsman and will be responsible for all damages, arrears and prejudices that may be caused to the said minors.

The decree to appoint the Tutrix and to make the inventory.

On January 26, 1784, Juan del Postigo decrees: That he must appoint and does appoint Mariana Durocher tutrix to her minor children, Constansa, Mariana and Nicolas Pertuit, to whom he must give and does give the power required by law to administer and control all the property, rights, actions and whatever else may concern the said minors and that may belong to them by any title, and besides for any law suits or claims that may be made against them. For this purpose his honor interposes and does interpose his authority and judicial decree, as much as he can and must. For this is his decree, thus he has provided and signed. Licenciado Postigo. This decision is attested to by Rafael Perdomo.

The Inventory of the Pertuit estate.

On January 28, 1784, at about 9 o'clock in the morning, Juan del Postigo, with the assistance of the Escribano, Adrian de la Place and Andres Vaukarny (Waukernie), went to the late Nicolas Pertuit's house, situated on Saint Philip Street, where, Mariana Durocher, Tutrix to the minor children, heirs of the abovesaid, being present, His Honor received her oath, after which she was ordered to place on manifest all property, rights, effects and papers left by her deceased husband, without concealing any thing, or dissimulating in any way, and in virtue of the foregoing order Mrs. Pertuit showed the following articles:

- 1 large cedar table valued at 9 pesos.
- 1 small table at 3 pesos.
- 2 dozen chairs estimated at 18 pesos.
- 1 walnut couch with its mattress, cover and pillow, at 10 pesos.
- 1 walnut night table at 6 pesos.

- 1 pair of chimney irons 4 pesos.
- 4 curtains with their rods 8 pesos.
- 1 walnut table 4 pesos.
- 1 small walnut writing desk 10 pesos.
- 1 large walnut armoire 30 pesos.
- 2 irons for the chimney 4 pesos.
- 1 iron scales, with 5 50-pound weights each and 2 10-pound weights, 30 pesos.
- 1 old walnut armoire 10 pesos.
- 1 cypress corner cupboard with its keys 4 pesos.
- 1 small table 2 pesos.
- 2 medium sized earthen jars, 1 cracked, 8 pesos.
- 6 shirts, 5 trimmed and the other plain, 12 pesos.
- 6 pairs of long trousers, half worn, 5 pesos.
- 2 vests and 2 waistcoats with 1 pair of stockings, 4 pesos.
- 1 checkered cotton house (tent) for soldiers and another canvas 3 pesos.
- 2 crystal salvers and 2 bottles, the same, 6 pesos.
- 2 woolen vests, half worn, 2 pesos.
- 2 table-cloths and 15 table napkins 10 pesos.
- 1 cypress bed with 3 mattresses, 1 Spanish moss, one feather, the third corn shucks, with its pillow, 20 pesos.
- 2 white woolen blankets 8 pesos.
- 4 coarse linen sheets 14 pesos.
- 1 mosquito bar and 1 India Print (calico) coverlet 8 pesos.
- 1 flute 4 pesos.
- 43 plates 7 pesos.
- 12, the same, large, and 2 salad dishes, 5 pesos.
- 2 glass carafes and 2 others (cruets) for oil and vinegar 3 pesos.
- 13 large and small glasses 1 peso 4 reales.
- 2 salt-cellars and 2 glass covers 6 reales.
- 6 cups and 1 china coffee-pot 2 pesos 4 reales.
- 10 small cups and 8 saucers 2 pesos 4 reales.
- 2 flat irons 2 pesos 4 reales.
- 24 pesos 6 reales in silver valued at 24 pesos 6 reales.
- 48 in another lot.
- 284 pesos in paper money, 284 pesos.
- 1 piece of calico with 1 of canvas 7 pesos 4 reales.
- 1, the same, 8 pesos.
- 1, the same, yellow, 7 pesos.
- 1 of muslin 8 pesos.
- 1 silver watch 16 pesos.
- 8 pots, 7 long billiard cues, and 1 long iron one, 16 pesos.
- 3 gilded metal candlesticks 2 pesos.
- 2 gridirons, 1 spit, and 1 frying pan, all valued at 3 pesos.
- 12 silver spoons, 15 forks, and 2 large spoons, weighing 12 marks 2 ounces, 80 pesos.
- 1 wax ball, and 3 tubs with iron hoops, 5 pesos.

1 Negro named Cupid, of the Mandigna Nation, who knows a little about the trade of a baker, 400 pesos.

1 Creole Negro from Jamaica, aged 30 years, valued at 450 pesos.

1 Congo Negro, who knows the trade of a baker, aged 25 years, valued at 500 pesos.

1 Creole Negress, aged 54, who knows a little about cooking, estimated at 300 pesos.

1 little Negro boy named Pedro valued at 350 pesos.

1 kneading-trough 4 pesos.

5 flour-sieves 1 peso.

1 medium-size kneading trough 2 pesos 4 reales.

3 tables with their legs 4 pesos.

1 wooden scales with one 2-pound weight 2 pesos.

1 small spoon 4 reales.

6 barrels of flour 96 pesos.

1 note for 30 pesos 30 pesos.

1 house at the corner of Saint Philip and Bourbon streets, 29 feet front by the same depth, with six large rooms and the others smaller, together with 2 square lots measuring 120 feet, a house 26 feet long by 16 wide, with a gallery 12 feet long, is built upon one of them, besides a kitchen, a bakery and a storehouse covered with thatch, and with all doors and windows intact, valued at 3800 pesos.

20 cart loads of fire wood 40 pesos.

120 bottles of wine at 30 pesos.

100 empty bottles 12 pesos.

1 quart demijohn, empty, 8 pesos.

(The Pertuit estate, proper, amounts to 6820 pesos.)

12 measures of flour belonging to the King, 10 (pesos).

14, the same, American flour belonging to Mr. Camus, 14 (pesos).

At this point the inventory is suspended because it is 12 o'clock; it will be continued later. The articles inventoried must be delivered to Mariana Durocher, tutrix to the minor children, to be held on deposit. She must produce them whenever ordered to do so by the Court.

The inventory is resumed at 2 o'clock in the afternoon with the listing of the papers. These consist of:

2 notes in favor of the deceased, signed by Santiago Chapron, one for 50 pesos the other for 96 pesos 1 real, both entered as No. 1.

Several notes in favor of the deceased, issued by Juan Prieto, Keeper of the Stores, for bread and biscuits supplied to the troops and various ships belonging to the King, which amount in all to 520 pesos 4 reales, listed as No. 2.

2 notes in favor of the deceased, signed by Beltran Auret, for 34 pesos. No. 3.

A note from Simon Hubbardaux, in favor of the deceased, for 13 pesos. No. 4.

Note in favor of the deceased, from Juan Aimond, for 20 pesos. No. 5.

Note in favor of the deceased, from Nicolas Fromentin, for 103 pesos. No. 6.

Note in favor of the deceased, from Mr. Sanmartin, for 2 pesos 6 reales. No. 7.

A receipt from Juan Saulai, in favor of the deceased. No. 8.

An Act of Sale, signed by Santiago Chapron, by which it appears he sold a Negress (to the deceased). No. 9.

A paper showing a private sale between Juan Lujs Maroto and the deceased, by which it appears the former sold the latter a Negro. No. 10.

Juan Paillet's receipt, by which the deceased declares he owes the abovesaid the sum of 150 pesos. No. 11.

A note in favor of the deceased, signed by Luis Chamard, for 7 pesos 2 reales. No. 12.

A note signed by Jose Villavaso, in favor of the deceased, for 14 pesos. No. 13.

1 small register, or book of accounts, in which the deceased has set down memoranda appertaining to his own affairs. No. 14.

A note signed by the Treasurer, wherein it appears he owes the deceased for bread delivered at his house, amounting to 48 pesos 2 reales. No. 15.

Another note signed by the Treasurer, for 8 pesos 6½ reales. No. 16.

Several notes for bread, in favor of the deceased, signed by Mr. Mercier & Co., amounting in all to 15 pesos 4 reales. No. 17.

Several notes in favor of the deceased, signed by Jorge Henault, for bread, amounting in all to 67 pesos. No. 18.

Several notes for bread, in favor of the deceased, signed by Lieutenant Colonel Francisco de Boulogny, amounting to 7 pesos 5 reales. No. 19.

13 notes for bread, in favor of the deceased, signed by Luis Chamar(d), amounting in all to 4 pesos 7 reales. No. 20.

Several notes in favor of the deceased, signed by Mr. Merciel & Co.

[This entry is incomplete and should be marked No. 21.]

Several notes for bread, in favor of the deceased, signed by Luis Chamar(d), amounting to 24 pesos. No. 22.

[The entries skip 12 numbers and take up again with:]

A certified copy of the Act of Sale, by which Nicolas Per-tuit's dwelling house was transferred to him by Pedro Durocher, called Castillon. It was executed before Juan B. Garic, Notary Public, and is dated December 4, 1778. No. 34.

A certified copy of the Marriage Contract between the deceased and Mariana Durocher, drawn up before Garic, dated January 4, 1775. No. 35.

A certified copy of an Act of Sale, in favor of the deceased, by which Joseph Coler Prevost sells him a Negro, executed by Leonardo Mazange, Notary Public, dated February 1, 1783. No. 36.

Several notes signed by Accountant Bernardo de Otero, by which it appears he owes the deceased 189 pesos 1 real. No. 37.

47 notes signed by the said Accountant, for both bread and flour. No. 38.

Assessor Postigo orders the inventory suspended, because the widow said there was no other property. Everything that had been inventoried was deposited with Mrs. Durocher, with the understanding that she must place all of her husband's estate on manifest at the conclusion of these proceedings, and if any other property should be found at some future date the inventory will be resumed.

Mrs. Pertuit prays for a copy of the petition of her parents' estates.

Mariana Durocher petitions to say that in order to prove what belongs to her in her husband's estate, may it please the Court to request Fernando Rodriguez to certify as to what has come to her from the estates of the late Pedro Durocher and Catalina Guichard, her parents, and she will promptly pay all just and due fees for same. Assessor Postigo rules: As it is prayed.

Fernando Rodriguez certifies.

In fulfillment of the foregoing decree, Fernando Rodriguez certifies that in the proceedings taken at the death of Pedro Durocher, called Castillon, there is an entry which mentions what belonged to each one of his heirs, in the partition of his estate, namely 553 pesos 6 reales; and in the settlement of the succession of the late Catalina Guichard, his wife, it appears by the partition of her property that Mariana Durocher received 800 pesos. These two amounts were received by Nicolas Pertuit, her husband.

Mariana Durocher petitions to present her Marriage Contract.

Mrs. Pertuit presents her Marriage Contract, so as to prove the amount of her dowry, and petitions to have it filed with these records, so that in due time it may be used for purposes that may be suitable. Juan del Postigo rules: As it is prayed.

[Note: Pages from 16 to 22, the Marriage Contract, have been removed from this file. The document was returned to Mrs. Pertuit, at her request. See receipt signed by her August 20, 1787.—L.L.P.]

Mrs. Pertuit asks to have her husband's estate adjudicated to her.

Mariana Durocher, petitions, setting forth that the inventory and appraisement of the estate of her late husband, have been finished, and considering the number of expenses the sale of it would entail and since it con-

sists of nothing more than the dwelling house, the ground upon which a bake-oven and a storehouse have been built to serve as a bakery, the slaves, and a few of the most necessary utensils used in the baker's trade, which is followed by one of her children today, who supports them from the proceeds of their bakery; and if it were sold they would be left without a means of livelihood, therefore she prays to have her late husband's estate adjudicated to her at the price of its estimation, so that by this means she may manage to support her family. She obligates herself to deliver to each one of the heirs, when he becomes of age, the part that should go to him, as his legitimate share. Assessor Postigo receives this petition and later decrees: Adjudicate to Mariana Durocher the property inventoried, left by her late husband at his death, at the price of its valuation, and deliver the records of this case to the Court so that the Account and Sworn Statement may be drawn up. (Signed) Licenciado Postigo.

The Account and Sworn Statement.

The Account and Sworn Statement of Nicolas Pertuit's estate, presented by his widow, reads:

Recapitulation

Assets.	8045 pesos 6½ reales
Charges and deductions.	4352 " 2 "
Remainder	3693 " 4½ "

The widow presents 13 vouchers to prove her entries for charges and deductions. The first is an itemized bill, dated January 18, 1784, signed by Fr. Antonio de Sedella. It reads: Statement for the interment and funeral of Mr. Nicolas Pertuit:

For the burial.....	3 3
For three Priests.....	4 4
For three Singers.....	3
For three Acolytes.....	1
For the Cope.....	2
For the Swiss and the Sacristan.....	2
For the Cross and Incense.....	1
For the Bells.....	3
For the Pall.....	1
For the Altar Cloth.....	1
For 30 Candles in the Church.....	7
For the Grave.....	1 4
For 3 Masses for his soul.....	3
For the Nocturn (Mid-Night Office)	4

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(Signed) D. A. Lanchard.

New Orleans, 13th of January of 1784. Vicar General Fr. Antonio de Sedella.

The second is also an itemized bill reading. Statement for the Requiem for Mr. Pertuit:

For the Mass.....	5	
For 5 Singers.....	5	
For 3 Acolytes.....	1	
For Cross and Incense.....	1	4
For the Sacristan.....	1	
For the Cope.....	2	4
For the Bells.....	3	
For Mourning and the Catafalque.....	2	
For Nocturn.....	4	4
For 30 candles in the Church.....	7	4
For the Swiss (Guard).....	1	
For the assistance of 2 Priests.....	3	

36 Pesos.

(Signed) Simon Eurolls.

New Orleans, 28th of January of 1784. Vicar General Fr. Antonio de Sedella.

Voucher No. 3 is Juan Durel's receipted bill for 10 pesos 4 reales.

No. 4. Mr. Baure's receipt for the payment of a note of 500 piastres made by Mrs. Pertuit, which her late husband owed, dated May 24, 1784.

No. 5. A receipt signed by L. Boisdore for 45 piastres received from Mrs. Pertuit for a bill dated December 31, 1783, for treatment rendered and medicine furnished to the family during said year. This receipt is dated May 15, 1784. The bill was paid on the order of the Auditor (of War, Juan del Postigo.)

No. 6. Mr. Mayronne's receipt given to Mrs. Pertuit for 390 piastres due for 30 barrels of flour sold to her late husband, dated May 8, 1784.

No. 7. Receipt signed by Andres Almonester for 109 pesos due him by the late Mr. N. Pertuit for bricks delivered to the deceased. This bill is paid by Mrs. Pertuit, May 12, 1784.

No. 8. Receipt dated May 24, 1784, signed by Paillet for 150 piastres due for flour sold to Mr. Pertuit. This debt was settled by Mrs. Pertuit.

No. 9. Receipt for 109 piastres 1 escalin, signed by Marre St. Simon. This bill was originally due Henry Voix for flour bought by and delivered to Nicolas Pertuit.

No. 10. A note for 24 piastres 2 escalins that Mr. Pertuit promises to pay Mr. Barre, dated October 14, 1783. (Paid by his Widow.)

No. 11. Receipted bill for 17 piastres 3 escalins, signed by Mr. Guerbois, paid March 2, 1784.

No. 12. A note, dated November 23, 1783, signed Pertuit, acknowledging that 21 trips have been made for wood.

No. 13. A note, dated September 11, 1783, signed Pertuit, acknowledging that 2 trips have been made for wood. (According to the Account and Sworn Statement, entries 12 and 13 taken together amount to 46 pesos and were paid to Andres Chiloc.

To these above amounts must be added Mrs. Pertuit's dowry of 800 pesos, as mentioned in her Marriage Contract, and the 1353 pesos 6 reales that her deceased husband received from her paternal and maternal inheritances, in accordance with Fernando Rodriguez' certification. There is a further entry of 11 pesos, paid to Alexo Reo for flour sold to Mr. Pertuit; 500 pesos paid to Juan Prieto, due him by the decedent as may be proven by referring to the law suit upon this particular, besides the 30 pesos which she has paid to her attorney for his services in these proceedings. All charges and expenses amount to 4352 pesos 2 reales.

Mrs. Pertuit petitions to present the above accounting. Mariana Durocher petitions to say that she was ordered to give an Account and Sworn Statement of the estate left by her late husband. Pursuant to this decree she duly presents same, together with all documents to prove her statements. Therefore she prays to have it accepted, and in consequence to condemn all parties to abide by her accounting. Juan del Postigo receives the above petition and on August 24, 1784, decrees: He must approve and does approve the Account presented by Mariana Durocher Pertuit and condemns all parties to abide by it. He further orders these records sent to the Judicial Accountant so that he may draw up the schedule of partition. This is his decree, thus he has provided, judged and signed.

Mrs. Pertuit asks for a taxation of costs. Mrs. Pertuit petitions, setting forth that she has been ordered to deliver the records of this case to the Judicial Accountant so that he may draw up the schedule of partition, in consideration whereof may it please the Court to order this done so that they may proceed with the taxation of the costs of this suit, as well as all copy books of the incidents that have been brought against her husband's estate. The Assessor rules: Let a taxation of costs be made, without including the fees for the present Escribano and the Judge of this cause.

The Partition.

On June 20, 1784, Luis Lioteau, Judicial Accountant, in virtue of the foregoing decree, made a partition of the estate left by Nicolas Pertuit, among the heirs, namely: The widow, Mariana Durocher, and his three children, Nicolas, Constancia and Mariana Pertuit. After examining the Account and Sworn statement and the documents filed with it, he drew up the parti-

tion as follows: In the body of the estate he places the amount realized from the sale of the effects, 6820 pesos; the 146 pesos due the succession by Santiago Chapron; 520 pesos 4 reales due the succession by Juan Prieto, Keeper of the Stores; 179 pesos due the succession by Juan Aimond and Nicolas Fromentin, according to their notes and obligations; 81 pesos $\frac{1}{2}$ real due the estate by Joseph Villavaso, Joseph Foucher, Mr. Saint Martin and Luis Chamond; 308 pesos 1 real due the succession by Francisco de Bouligny, Bernardo de Otero, Mr. Mercier, George Henot and Luis Chamard, according to their notes. The body of the estate amounts to 8045 pesos $6\frac{1}{2}$ reales.

The settlement of the estate shows the various debts paid that were proven due by vouchers from 1 to 13, such as funeral expenses, Mrs. Pertuit's dowry, inheritances, etc., and claims, like her attorney's fees, that she has paid. There is an additional item of 200 pesos paid to the widow for her reference legacy, according to her Marriage Contract, besides 600 pesos returned to her as her dowry, as stipulated in the abovesaid Contract, and the costs of these proceedings, together with the 7 incidents instituted against this succession by the creditors, which according to their respective taxations amount to 20 pesos 6 reales. These items of settlement summed up come to 5173 pesos, which upon being deducted from the body of the Estate, or 845 pesos, leaves a remainder of 2872 pesos $6\frac{1}{2}$ reales to be divided among the heirs. Mariana Durocher receives one-half, or 1436 pesos 3 reales $8\frac{1}{2}$ maravedis, and her three children Nicolas, Constancia and Mariana Pertuit, receive the other one-half, or 478 pesos 6 reales 12 maravedis each.

Luis Lioteau, Accountant, petitions to have the Escribano fix his fees.

Luis Lioteau petitions to say that he has drawn up the schedule for the partition of the Nicolas

Pertuit estate as he was ordered to do, therefore he prays the Court to have the present Escribano adjust the fees that should come to him, because this accounting has been very laborious as this record shows. Assessor Postigo rules: As it is prayed.

Adjustment of the Accountant's claim for fees.

In an entry dated September 22, 1785, Rafael Perdomo states that he has adjusted the fees due

for the schedule of partition, made by Luis Lioteau, at 30 pesos, and for the work of taxing costs, 15 reales.

Taxation of Costs.

On June 10, 1785, Luis Lioteau taxes the costs of the case at 11 pesos 1 real.

Mariana Durocher asks the return of her Marriage Contract.

Mrs. Pertuit petitions to say that to prove her dower rights she has presented a copy of her Mar-

riage Contract in this suit, and, whereas these proceedings are now entirely finished, may it please the Court to order the return of the said instrument filed with these records, making a note to accredit the fact. Assessor Postigo rules: As it is prayed.

Receipt for the Marriage Contract.

On August 20, 1787, Pedro Bertonière, Attorney for Mariana Durocher, signs a receipt to the effect that in virtue of the foregoing decree, the Contract of Marriage, presented in this suit, and filed on pages 16 to 22, was delivered to him, which he hereby acknowledges to have received, and he draws up a formal receipt for same, before Manuel Guerrero and Francisco Carcasses, witnesses here present. This receipt is signed by Pedro Bertonière and attested to by Rafael Perdomo, Notary Public and Clerk of the Court.

January 20.

Testimony produced for the Verdun minors, to permit them to sell slaves.

No. 3304. 3 pp.

Court of Alferez Real Francisco Maria de Reggio.

No Assessor.

Escribano, Rafael Perdomo.

This case illustrates the legal procedure involved in obtaining permission to sell slaves belonging to minors, in order to effect a partition of the property so as to turn over to one of the minors who has become of age her share of the succession.

their claims, and done he will render a decision.

Santiago, Pedro and Joseph (Dauphin), curators ad bono for the Verdun minors, present Juan Bautista Rolland, as witness, to give the testimony that was ordered. Oath was duly administered, and, having been questioned upon the tenor of the foregoing petition, he testifies that it is necessary to sell the two Negroes left by Juan Adan Verdun so as to give Joseph Berton, called Robinet, husband of Maria Verdun, the share coming to her.

Alferez de Reggio's decision reads: Considering the foregoing declaration, wherein it is stated that it is indispensable to sell the slaves so as to give the heir of age the part that comes to her, this being the case he authorizes the sale, and when it has been effected, pay the heir of age the part that belongs to her,

On August 20, 1787, Pedro Bertonière, Attorney for Mariana

Jose Berton, husband of Maria Verdun, and Santiago Dauphin and Joseph Dauphin, curators of Juan Bautista and Cadet Verdun, minor heirs of Juan Verdun, present themselves before the Court and state that the said Mr. Verdun left two slaves, at his death. It has now become necessary to sell them so as to give Maria Verdun, heiress of age, her share. Therefore they pray to be authorized to make this sale, with the understanding that the tutors will hold in their possessions the shares belonging to the minors until they in turn gain their majorities. (Signed) P. Dauphin and Dauphin. Alferez de Reggio rules: Let these parties prove

and regarding the shares that must go to the Minors, let it remain in the possession of the Curators, Santiago, Pedro and Joseph Dauphin, their uncles.

January 29.

Incidents Prosecuted by Francisco Mayronne against the estate of Nicolas Pertuit, to collect a debt.

No. 131. 3 pp.

Court of Auditor of War, Juan del Postigo.

No Assessor, since he is acting Judge.

Escribano, Rafael Perdomo.

This case illustrates the legal procedure involved in collecting a debt from the succession of a deceased soldier. The proceedings are presided over by the Auditor of War for the colony, but it is not quite clear whether this was the practice in all cases where the property of deceased soldiers was involved, or whether that official was merely acting in place of one of the regular *alcaldes*.

pesos, and done take up his voucher (and file it with the Pertuit Succession.)

[**Note:** This is one of the many Instances filed against the suit for the settlement of the Nicolas Pertuit Succession. For further particulars as to payment of this claim, see Intestate Succession of Nicolas Pertuit, January 19, 1784. Voucher No. 6.—L.L.P.]

January 30.

Testimony produced for Francisca de Villier(s) to permit her to sell a grifa.

No. 3309. 1 page.

Court of Alcalde Francisco Maria de Reggio.

No Assessor.

The plaintiff presents his bill for 390 pesos owed by Nicolas Pertuit for 30 barrels of flour at 13 pesos a barrel, and petitions, averring that as the accounting shows the Pertuit estate is indebted to him for the amount stipulated, therefore he prays the Court to order his widow, Maria Durocher, to pay this debt. Auditor Postigo decrees to send this petition to Mrs. Pertuit.

On January 30, 1784, Mariana Durocher answers, saying the debt is just, therefore she offers no objection to the payment of same from the proceeds of the estate of her late husband. Juan del Postigo rules: In virtue of what appears from Mariana Durocher's declaration, wherein she acknowledges the debt to be lawful, let Francisco Maironne (Mayronne) be paid the sum of 390

Francisca Voisin, Widow de Villier(s), and her daughter, Dorotea Devillier(s), more than 20 years of age, appear before the Court to say that the latter owns a griffe slave, aged 12 years, which they wish to sell so as to invest the proceeds in something more advantageous to their interests, therefore they pray for a permit to make this sale. Francisco Maria de Reggio decrees: Let these parties be authorized

**Escribano, Fernando Rodri-
guez.**

This case illustrates the legal procedure involved in obtaining permission to sell a slave belonging to a minor, in order to invest the proceeds in other property more secure and useful to said minor.

January 31.

**Incidents in the Intestate
Succession of Nicolas Pertuit,
prosecuted by Andres Al-
monester against the estate,
to collect a debt.**

No. 134, 7 pp.

Court of Auditor of War,
Juan del Postigo.

No Assessor, since Postigo is
acting Judge.

Escribano, Rafael Perdomo.

This suit illustrates the procedure in-
volved in collecting a debt from this suc-
cession of a deceased soldier. As in the
case listed above, the proceedings were
presided over by the Auditor of War.

to effect the sale as requested,
provided that they invest the pro-
ceeds in property more secure
and useful and that may be of
greater benefit to Dorotea De-
villier(s). This ends the record.

The plaintiff presents 4 ex-
hibits as a basis for his suit,
namely:

No. 1. A receipt given to
Andres Almonester for hauling
6000 bricks, dated November 8,
1783, Signed N. Pertuit.

No. 2. Also a receipt signed by
Mr. Pertuit in Andres Almones-
ter's favor, for hauling 2000
bricks, dated November 11, 1783.

No. 3. A receipt for the deliv-
ery of 500 bricks, and on the same
slip of paper is the acknowledg-
ment of an additional delivery of
100 bricks, making 600 in all. It
is dated October 25, (1783),
signed by Pertuit, in Almonester's
favor.

No. 4. A receipt for hauling 500
bricks, dated January 3, 1784.
Signed by Pertuit, acknowledging
that Almonester has made the de-
livery of same.

Andres Almonester then sets forth that he takes action
against the Nicolas Pertuit Succession because it is evident from
the papers duly presented that this estate owes him 109 pesos
2 reales for hauling 9100 bricks in his carts to Mr. Pertuit's
Bakery, at the rate of 12 pesos a thousand, the price agreed
upon, and considering that the Widow knows of this transaction,
he prays that she be ordered to swear and declare to what he
has stated, and if her testimony conforms to what he has said,
request her to pay him the amount specified. Juan del Postigo
rules: Send this petition to the widow of Nicolas Pertuit.

On May 1, 1784, Mrs. Pertuit appears in Court to answer
Andres Almonester's suit. She states that his claim is just and
that she is willing to pay it from the proceeds realized from the
sale of her late husband's property. The Court decrees: In
accordance with what Mariana Durocher has declared, this debt
is lawful, therefore let Andres Almonester y Roxas be paid the

sum of 9 pesos (109) 2 reales. He must give a receipt for this debt, which must be filed with the records of the main proceedings.

[**Note:** See Intestate Succession of Nicolas Pertuit, January 19, 1784, Voucher No. 7. The taxation of costs of all Instances is entered with the principal proceedings.—L.L.P.]

February 3.

Proceedings brought by Santiago Luis Domingo Beltrémieux to be granted a permit to bring a ship, belonging to him, from La Rochelle to this Port.

No. 122. 12 pp.

Court of Intendant Martin Navarro.

Assessor, Juan del Postigo.

Escribano, Rafael Perdomo.

This case illustrates the procedure involved in granting to a resident of New Orleans permission to bring to Louisiana from France a ship owned by him, in accordance with the recent Royal Decree of the Spanish government concerning commerce with Spanish Louisiana. After proof of legal ownership of said vessel and agreement to abide by the Spanish commercial regulations, the desired permit is granted. The case came before the Court of the Intendant, who had charge of all commercial affairs in the colony.

Santiago Luis Domingo Beltrémieux petitions to say he wishes to avail himself of the free trade privileges granted by His Majesty's Royal Cedula, in favor of this Colony. He owns a ship, among other property, in La Rochelle, France, which he prays to be permitted to bring over, loaded under the conditions prescribed in the said Royal Cedula. Intendant Navarro, on Assessor Postigo's advice, rules: Let this party prove the truth of what he has represented and a decision will be rendered.

The petitioner now sets forth that he has been notified of a decree by which it has pleased His Lordship to order him to prove the truth of what he has stated. In obedience to this decision, may it please the Court to admit the testimony of the witnesses he will present, who, under oath, will testify to what he alleges in his previous request, and done deliver their declarations

to him to promote whatever may be suitable. The Intendant, on the Assessor's advice, decrees: Let the testimony this party offers be received, the taking of it to be entrusted to the present Escribano, and done deliver the depositions to the petitioner.

The witnesses, Francisco Mayronne, Antonio Cavelier, Luis Camus, Pedro Miraval and Juan Bautista Labatut, each in a separate declaration states that he has known Mr. Beltrémieux for many years, and during that time he has frequently said he owned much property in La Rochelle, France, a ship in particular, and has often shown documents to prove it belonged to him.

Mr. Beltrémieux then petitions to say that, pursuant to his foregoing request it has pleased His Lordship to order him to prove this statement, which has been done by the testimony of

his witnesses. Therefore he prays the Intendant to consider same, and render judgment accordingly, thereby granting him the permit he asks, and for its greater validation and force to impose his authority and judicial decree. May it also please the Court to rule that he be given certified copies of these proceedings, which he prays to have authorized in public form, in a way that may have credit, and he will promptly pay all just and due fees. Martin Navarro, on Juan del Postigo's advice, receives this petition, and on February 7, 1784, hands down the following decision: Whereas, attentive to the merits resulting from the testimony Santiago Luis Domingo Beltremieux has submitted, by which he fully proves that he owns a ship among other property belonging to him in La Rochelle, France, His Lordship says from now he approves and does approve his request, and for its greater force and validation he interposes and does interpose his authority and judicial decree, and that pursuant to the Royal Cedula for free trade, issued the 22nd of January 1782, and especially to Article 4, he concedes the party the permit he solicited in his first petition, with the full understanding that the cargo must be made up of effects permitted by this said Royal Cedula and that the Captain of the ship and a third of the crew must be Spaniards. This permit will serve as a passport, so that upon her arrival in this Port no obstacle will be placed in the way of her entry into this Province. The administrator of this said Province must be notified of this permit for purposes that may be suitable. Fees 2 pesos. (Signed) Martin Navarro. Licenciado Postigo.

On February 9, 1784, Mr. Beltremieux sets forth that because this suit is finished he has requested the Escribano to give him certified copies of the entire proceedings. He did not remember, at the time, to declare the testimony produced as legal, therefore may it please His Lordship to order that he be provided with the said certified copy, under the terms that he has prayed, and that a taxation of costs be drawn up by the present Escribano, and he will promptly pay all just and due fees. Intendant Navarro, on the Assessor's advice, decrees: Let a taxation of costs be made by the present Escribano, who must give this party the certified copy requested by him, upon his payment of all just and due fees.

On February 10, 1784, Rafael Perdomo taxes costs at 19 pesos 1 real.

February 3.

Incidents, Luis Boisdore and Juan Senac vs. the Succession of Nicolas Pertuit, to collect a debt.

The first entry is a bill, which reads: Mr. Petuit owes J. Senac and L. Boisdoré, Surgeons, the sum of 45 piastres, for having treated his family and servants during the year 1783.

Luis Boisdoré and Juan Senac, partners and residents of this

No. 133. 3 pp.

Court of Auditor of War,
Juan del Postigo.

No Assessor, since he is acting Judge.

Escribano Rafael Perdomo.

This case illustrates the procedure involved in collecting a debt from the succession of a deceased soldier in Spanish Louisiana. Like the two similar cases listed above, the proceedings were held before the Auditor of War.

Mrs. Pertuit, tutrix of the minor children, pay Luis Boisdoré and Juan Senac the sum of 45 pesos from the produce of the estate. She must take a receipt for this amount for her own security.

[**Note:** For the end of this suit see Intestate Succession of Nicolas Pertuit, January 19, 1784, Voucher No. 5.—L. L. P.]

February 10.

Proceedings brought by Bautista, a free Negro, against the Pablo Lacour Dubourg Succession, to collect a debt.

No. 3168. 5 pp.

Court of Alcalde Francisco
Maria de Reggio.

No Assessor.

Escribano, Fernando Rodriguez.

This simple suit to collect a debt due a free Negro in Spanish Louisiana is of interest to the student of Spanish Law in Colonial Louisiana, since it illustrates the fact that free Negroes had standing before the Court, both as principals and witnesses.

Reggio, Life Alderman, Royal Standard Bearer and Senior Judge of the Lower Court, it is ordered that any competent person notify Bautista, a free Negro, to appear in the office of the Clerk, of the court, to be made acquainted with a certain judgment. New Orleans, June 7, 1784. (Signed) Fernando Rodriguez, Notary Public and Clerk of the Cabildo.

city, present the above and say it is evident from their bill that the Nicolas Pertuit Succession owes them 45 pesos, so they pray the Court to be paid from the proceeds of the estate. Assessor Postigo rules: Send this petition to Mariana Durocher, widow of Nicolas Pertuit.

Mariana Durocher answers, stating that she offers no objections to the payment of this bill, therefore she prays to be ordered to do so. The Court rules: Let

Bautista, a free Negro, through W. Bernoudy, petitions to say that the Pablo Lacour Dubourg estate owes him 200 pesos for wages, and he prays to have the Court rule that he must be paid from the proceeds from the sale of the property.

Nothing further is done until June 7, 1784, when an unsigned decree is entered to the effect that considering much time has elapsed since this party presented himself in Court, without ever having proven anything, let a writ of citation be issued, because he lives in the Country, summoning him to appear and take the necessary proceedings to prosecute his cause.

The Writ, in translation, reads: By decree of Francisco Maria de

The service of the Writ: In the city of New Orleans, on the twenty-sixth day of August in the year one thousand seven hundred and eighty-four, the Clerk of the Court notified Bautista, Negro, (libre), in person, of the decree of February 10th, to which he attests and signs. Rodriguez.

[Note: In the text the word "libre" (free) after negro is placed in parenthesis and scored out. This erasure is noted as void, at the end of the text and in the margin.—L. L. P.]

In the city of New Orleans, on August 27, 1784, Bautista, a free Negro, to prove his claim, presents Pedro Latouche, a free mulatto, as witness. The Escribano, in virtue of the commission conferred upon him, administered the necessary oath, which he took by God, Our Lord, and a Sign of the Cross, in conformity to law, under charge of which he promised to speak the truth, and being examined upon the tenor of the foregoing written petition, said: He knows the late Pablo Lacour Dubourg owes Bautista his wages, but does not know what amount is due. This is the truth under charge of his oath, and he is thirty-one years of age. He did not sign because he said he did not know how to write. This deposition is drawn up before Fernando Rodriguez, Clerk of the Court.

On November 6, 1784, Antonio Mendez, Curator ad lites to the Pablo Lacour Dubourg minors, answers this suit in a petition in which he sets forth that Bautista was ordered to prove his claim. He has not done so, although much time has passed since the Court ruling to that effect, therefore he prays to have his suit dismissed and to condemn him to pay costs. Alferez Real de Reggio rules: Let the plaintiff set forth what is suitable, within fifteen days, with a warning of what will have place in law.

The case lies dormant until May 21, 1787, when Luis Lioteau taxes costs at 5 pesos 1 real.

[Note: For other suits against Pablo Lacour Dubourg and his Succession see July 29, September 2, October 15, and November 27, 1783.—L.L.P.]

February 11.

Carlos Sanguinet vs. Francisco Mayronne.

No. 3289. 6 pp.

Court of Alcalde Francisco Maria de Reggio.

No Assessor.

Escribano, Fernando Rodriguez.

The plaintiff avers that he bought 20 casks of rum from Francisco Mayronne, for 400 pesos cash, sold as the best quality, but at the time of shipment it was found by the coopers to have fermented to such an extent that it was entirely unfit for use. Therefore, to prove this statement, he prays the Court to order Francisco Mayronne to name a person versed in such matters to act for him with Rey-

To void a purchase of rum.

This case illustrates the procedure involved in having a sale of merchandise declared null and void, because the quality of said merchandise was not as represented by the vendor. An expert is selected by each of the parties litigant to inspect the articles in dispute, and the Court accepts their findings and decrees accordingly.

mondo Gallard named by the petitioner, as his expert, the two together to examine the rum and declare as to its condition and quality. Alcalde de Reggio rules: Let the expert be appointed that this party mentions, and notify the defendant to name some one versed in such matters to represent him, within one day, so that

they may proceed to the examination of the rum as requested by the plaintiff, and done a decision will be rendered.

Francisco Mayronne answers, saying that in order to make the examination requested by his opponent, he names Santiago Jurdan, Master-Cooper, to act for him, and he prays the Court to confirm this appointment and to decree that these experts proceed with the said examination. Alferez de Reggio rules: Let Mr. Mayronne's expert be appointed, who, together with the one named by the other party, must accept and take oath in due form, and done let them proceed with the examination already ordered.

Acceptation and Oath: Fernando Rodriguez notified Raymond Gaillard, Master-Cooper, in person, of his appointment by the foregoing decree, and he said he accepted and did accept, and swore by God, Our Lord, and a Sign of the Cross, in conformity to law, to proceed well and faithfully with the examination of the casks of rum. He signed, to which the Escribano attests.

Santiago Jurdan, a Master-Cooper, is also notified and qualifies, but does not sign, then these two experts proceed with the examination of the rum. After doing so they report to the Court that the said rum is unfit for use. This declaration is signed by Raimond Gaillard, only, as it appears Santiago Jurdan does not know how to write.

The Court then renders a decision in these words: In the city of New Orleans, on February 28, 1784, Francisco Maria de Reggio, having seen the report of the examination made of the casks of rum, mentioned in these proceedings, found entirely unfit for use, he said that he did declare it as such, and therefore ordered and did order that the sale be considered as null and void and that it be returned to the vendor, who may then take recourse against whoever may be responsible. He must pay costs because he is the one in fault, and has occasioned the suit. This is His Honor's decision, thus he has ordered and signed. To which the Escribano attests. Both the Alcalde and the Clerk sign.

February 18.

The first entry is an itemized bill that Mr. Vainsent (Vincent) owes to Toulouse of this city.

Mr. Toulouse vs. the Juan Vincent estate, to collect a bill.

No. 3299. 9 pp.

Courts of Alcaldes Francisco Maria de Reggio and Nicolas Forstall.

Assessor, Juan del Postigo.

Escribano, Fernando Rodriguez.

This case illustrates the procedure in attempting to collect a debt from a succession, when decedent's widow claims that the bill in question was promptly discharged by her husband prior to his death. The Court upholds this contention of the widow. The bill entered in the suit throws light on the charges made by tailors in New Orleans at that period.

Aug. 15. Making 6 imitation silk vests.	15	
Cutting 6 cloaks at 3 escalins each.	2	2
Cutting 69 vests at 3 escalins each.	25	7
Furnishing $\frac{3}{4}$ of an ell of blue cloth.		6
	<hr/>	<hr/>
	91	5

Paid

(Signed) Toulouse.

Juan Morin, called Toulouse, petitions to say that according to the bill, duly presented, the estate of the late Juan Vincent owes him 91 pesos 5 reales, in consideration whereof and so as not to forfeit his right to enter his legitimate claim, he prays to have his said bill filed so that in due time the Court will decree that he be paid from the funds realized from the sale of the decedent's estate. Alferez Real de Reggio rules: Let this bill be placed with the records of the succession and in due time he will render a decision.

On March 26, 1784, Juan Moran again petitions, to state that by a previous ruling he was ordered to file his demand with the records of the Concursus of Creditors and that in due time a decision would be rendered in favor of all just claims. In accordance with this judgment, now that the property belonging to the Vincent succession has been sold, he prays to be paid from the proceeds of same. The Court orders the above sent to the Curator of the minors.

1783 Namely:

May 14. Making 1 white ratteen vest	3P.
Making 2 vests of shorn beaver.	3
Furnishing 2 dozen thread buttons	6
For cutting 23 vests at 3 escalins each	8 5
For cutting 25 cloaks at 3 escalins each	9 3
June 20. Making 4 dimity vests.	10
Making 4 pairs of trousers.	8
Furnishing $1\frac{1}{4}$ ells of dimity.	1 2
Furnishing 10 dozen buttons at 3 escalins	3 6

On January 28, 1785, before Alcalde Nicolas Forstall, Antonio Mendes, Curator ad lites to the minor children of Juan Vensan (Vincent), answers, saying that in order to prove the validity of the plaintiff's demand, may it please the Court to request Feliciana Delille, widow of Nicolas Vincent, under oath and without delay, to verify this bill and see whether the supplies the said Toulouse claims he furnished are correct, and done deliver her declaration to him. Nicolas Forstall decrees: Let Mrs. Vincent declare to the contents of the above, as requested, the taking of her deposition to be entrusted to the Escribano, and done let it be delivered to Antonio Mendes.

On July 14, 1785, Felicite De Lile, Widow Vincent, declares under oath that she does not think her husband owes the tailor, Toulouse, anything, because just as soon as the latter brought his work to her late husband he paid for it.

On September 3, 1785, Juan Morin petitions, setting forth that, although he has presented himself in due time and proper form against the Vincent Succession to collect a bill, he has not been able to obtain his money. His debt is lawful, even though Mrs. Vincent claims it has already been settled. Therefore he prays to have his demand recognized and to be paid the 91 pesos 5 reales that appear in his accounts, and he swears that this sum is due him and has never been satisfied. Alcalde Forstall, on Assessor Postigo's advice, receives this petition and later a decree is rendered: Whereas, dismiss Juan Toulouse's claim and let him be condemned to pay the costs of this instance.

On September 14, 1785, costs are taxed at 5 pesos 3 reales by Luis Lioteaud.

February 19.

Alexandro Bore (Baure) vs. one called Bochere, to collect a debt.

No. 3167. 5 pp.

Court of Alcalde Francisco Maria de Reggio.

No Assessor.

Escribano, Fernando Rodriguez.

This suit illustrates the procedure in collecting a debt, when the obligation has passed by assignment into the hands of a third party. The Court upholds the plaintiff's contention, but the case is apparently settled out of Court.

Alexandro Baure states that it is evident from the note duly presented, (not included in the record,) a person named Vauchere owes the petitioner's nephew, Juan Lafond, 28 pounds of powder, at the rate of 12 pounds of cleaned pelts for each pound of powder. This note has passed to his order, and although he has requested the defendant to make a settlement he has not done so. Therefore he prays to have his opponent acknowledge his signature and swear and declare whether the commodity stipulated is due, and done deliver his deposition to Mr. Baure. Alferez de Reggio rules: The note having been presented, let the maker

acknowledge, swear and declare to its contents, as requested, the taking of the deposition to be entrusted to the Escribano, and done deliver it to the plaintiff.

Juan Vauchere, under oath, declares the signature at the end of the note is his and that it is true he placed 28 pounds of powder with Colonel Le Gras to be delivered to Mr. Laffont, with whom he made all arrangements by letter. He has received his amount (of pelts), and the former has written to say that he has turned over the said powder to the latter.

Alexandro Baure then petitions, stating that the defendant, in his declaration, has acknowledged his signature and says Mr. Le Gras has delivered the 28 pounds of powder to Mr. Laffont according to agreement, but this note which he claims to have paid is still in the plaintiff's possession, which proves the contrary. Therefore he prays for a writ of execution against his person and property, and swears by God, Our Lord, and a Sign of the Cross, in conformity to Law, that the note is due him and has never been paid. Francisco Maria de Reggio receives this petition and on February 21, 1784, decrees: Whereas, issue a writ of execution in favor of Alexandro Baure against Juan Vauchere, for 336 pounds of cleaned deer skins, which he seems to owe, besides the one-tenth of the debt and costs.

The Writ reads: Let the Sheriff of this city, or in his place the Deputy Sheriff, request Mr. Vauchere to pay Alexandro Baure, immediately, the 336 pounds of cleaned deer skins he owes him, and if he does not pay at once take execution against his person and estate sufficient to satisfy this amount, its one-tenth and costs. This property when seized will be placed in the Public Depository of this city, at the disposition of this Tribunal, according to decree rendered February 21, 1784. (Signed) Francisco Maria de Reggio. Attested to by Fernando Rodriguez. The record ends here. There is no evidence to prove the writ was ever served. The claim was probably settled out of Court.

February 20.

**Juan Bautista Wilt(z) vs.
the Succession of Pablo La-
cour Dubourg.**

No. 3313. 7 pp.

Court of Alcalde Francisco
Maria de Reggio.

No Assessor.

Escribano, Fernando Rodri-
guez.

The first entry is the bill used by the plaintiff to base his claim for action. It reads: Memorandum for Mr. Dubourg for work that I have done and logs furnished for his needs. April 22, 1783.

Namely:

105 ash logs for rafts at	
1. 5 per log—	131 5
35 ash logs for rafts at	
1. 5 per log—	31 5
	<hr/> 162 1

(162 livres 1 sol, French money.)

To collect a debt.

This case illustrates the procedure involved in proving a claim against a succession, when there is no legal document evidencing the debt sought to be collected.

for a judgment ordering him paid from the proceeds of the estate. Alferez de Reggio rules: The note this party mentions having been presented, let it be filed with the records of the Concursus of Creditors.

The plaintiff presents the above and sets forth that it is evident from the above account the late Pablo Lacour Dubourg owes him 32 pesos 4 reales. He prays

On April 1, 1784, Juan B. Wiltz again petitions to say that considering the property of the said succession has been sold to pay the creditors, he prays the Court to order his debt paid. Alferez de Reggio rules: Send the above to the Curator of the minors.

Francisco Broutin, Curator ad lites of the minor children of the late Pablo Lacour Dubourg, states that the plaintiff has not presented a note, nor any obligation signed by the deceased; all he files is a memorandum, therefore he prays to have his claim excluded until such time as he makes his demand in due and proper form. The Court orders the Curator's petition sent to the defender of the widow.

Pedro Bertoniére, Testamentary Executor, Guardian of the estate left by Pablo Lacour Dubourg, and defender named for Celesta Peris, the widow, answering the above which was sent to him, referring to what the Curator ad lites has represented says he prays the Court to determine in conformity to his representation. Francisco Maria de Reggio receives this petition and on August 11, 1784, decrees: Let this party prove his claim and a decision will be rendered.

On March 12, 1785, costs are taxed by Luis Lioteaud at 7 pesos 6½ reales.

[Note: See Concursus of Creditors of Pablo Lacour Dubourg, 1st Copy Book, November 27, 1783, etc.—L.L.P.]

February 25.

Juan Reynaud vs. The Succession of Pablo Lacour Dubourg (and other suits), to collect a debt.

No. 3287. 32 pp.

Court of Alcalde Francisco Maria de Reggio.

No Assessor.

The pages of this record which bear a double numbering, beginning at 183 and running to 231, show that at one time it formed a part of another folio. This booklet is made up of 4 suits against the Lacour Dubourg Succession. Each one is renumbered. The first suit is entitled Juan Reynaud vs. Pablo Lacour Dubourg, to collect a debt. No. 3287. It opens with two exhibits. The first is a bill which Mr. Dubourg owes

Escribano, Fernando Rodriguez.

Mr. Reynaud, amounting to 101 pesos 7½ reales, for crockery.

Namely:

1782

December 13.

This case presents a good illustration of the consolidation for trial of several separate suits lodged against a succession for the collection of debts. It involves the question of privileged debts, when the entire proceeds of the succession are not sufficient to satisfy all claims against it in full; the process of verification of signatures of deceased persons; and the great difficulty of bringing witnesses residing on plantations into a New Orleans Court. For the student of economic and social history of Spanish Louisiana there is an interesting list of household items, with their prices. The cases dragged out for over three years before final settlement.

3 dozen plates at 3 piastres a dozen.....	9P
6 oval dishes at 4 escalins each.	3
4 ditto, round, at 4 escalins each	2
½ dozen bowls at 4 escalins each.	3
1 dozen cups	4
1 soup-tureen	2...4
4 escalins each.	22...4
3 covers, size 3, at 7 piastres	
1 bed cover.	14
1 sugar bowl.	1
January 3.	
3 covers, size 3, at 7 piastres 4 escalins.	22...4
6 pounds of coffee at 3 piastres.	2...3
25 pounds of lead at 2½ escalins.	7...6½
March 28.	
1 fine horse hair hat with a black ribbon.	8...3
	<hr/>
	101 7½

On February 23, 1784, Juan Reynaud, acting for his Company, certifies to the correctness of the above account.

The second exhibit is a bill, dated January 16, 1783, to the effect that Mr. Dubourg, Jr., owes Teniere & La Fontaine for 2 barrels of flour at 28 piastres each, amounting to 56 piastres.

Below is written: Mr. Dubourg must pay the 56 piastres hereabove stated, or give his reasons for not doing so. New Orleans, March 22, 1783. (Signed) Le Bretton.

Juan Reynaud & Company, represented by the named partner, petitions to say that as it appears from the account, duly presented, Pablo Lacour Dubourg owes him 101 pesos 1½ reales. Therefore he prays to be paid the amount stipulated, from the funds realized by the sale of the estate. Alferez de Reggio orders this demand filed with the records of the Concursus of Creditors, and in due time a decision will be rendered.

The plaintiff again petitions, this time to say that considering the property of the said succession has been sold to pay the creditors, he prays to have his claim satisfied. The Court rules to send this petition to the Curator of the minors.

Francisco Broutin, Curator ad lites of the minor children of the late Pablo Lacour Dubourg, answers, saying that the plain-

tiff has not proven the validity of his debt, therefore he prays to have his claim excluded until such time as he shows his demand to be lawful. Francisco Maria de Reggio orders the above sent to the defender of the widow.

Pedro Bertonière, Testamentary Executor, Guardian of the estate of the late Pablo Lacour Dubourg, and Defender named for his widow, Celesta Peris, answers, setting forth that he offers no objections to the representation made by the Curator ad lites, therefore he prays the Court to administer justice, and to determine in conformity to what he has petitioned. Alcalde de Reggio decrees: Whereas, Juan Reynaud has no more privileges than the other creditors, let him be paid the sum of 101 pesos 1½ reales that he demands. It must be well understood that this claim will be included in the proration that will be made, because there is not property enough to pay everybody the full amount due. When the plaintiff's claim will be satisfied he must draw up a receipt in due form.

The second suit is entitled Proceedings instituted by Santiago La Motte (Lamothe) against the Succession of Pablo Lacour Dubourg, to collect a debt.

Three exhibits are filed as a basis for this suit. These are notes signed by Lacour Dubourg, in favor of Mr. La Mothe. The 1st is for 160 piastres, the 2nd for 530 piastres, and the 3rd for 893 piastres.

The plaintiff then petitions, averring it is evident from the notes, duly presented, that Pablo Lacour Dubourg owes him 1583 pesos, namely: 500 pesos due for his salary during the time he was administrator of his plantation; 560 as a loan; besides an additional loan of 523 pesos made without interest. He prays the Court to order all the defendant's property sold and that it be paid for within six months. On January 10, 1784, Francisco Maria de Reggio decrees: The three notes having been presented that the plaintiff mentions, let his opponent examine, swear and declare to the contents, as requested, the taking of the deposition to be entrusted to the Escribano, and done let it be delivered to the petitioner.

The Escribano notified the Court that he went to look for Pablo Lacour Dubourg to inform him of the foregoing decree and was told that he made his home on his plantation, therefore he sets this down as a matter of record.

Santiago La Mothe then petitions, this time averring that his opponent has been ordered to swear and declare as to the legality of his debt, and from the present Escribano's report it appears he lives on his plantation, therefore he prays for a Writ of Citation, to be committed to some competent person for delivery. The Court rules: As it is prayed, entrust the service of the Writ to some competent person.

A marginal note stipulates that the Writ of Citation, which was ordered, has been issued and delivered to this party.

The Writ reads: By decree rendered this day by Francisco Maria de Reggio, Alferez Real and Senior Alcalde of this city, it is ordered that some competent person notify Pablo Lacour Dubourg to appear in the Escribano's Office to be made acquainted with a certain decision of the Court. New Orleans, January 12, 1784. (Signed) Fernando Rodriguez.

The report on the service of the Writ: In the city of New Orleans, on January 12, 1784, Santiago Lemaire appeared before the Escribano and said that in virtue of the foregoing Writ of Citation, he notified Pablo Lacour Dubourg, who lives a half a league away, on the other side of the river, above the city, to come to the Escribano's Office to be made acquainted with a certain decree. He asked to have it set down as a matter of record, that he had received the Writ.

The defendant's declaration: In the city of New Orleans, on the said day month and year, I, the Escribano, in virtue of the commission conferred upon me, received Pablo Lacour Dubourg's oath, which he made by God, Our Lord, and a Sign of the Cross, under charge of which he promised to speak the truth, and placing before him the three notes, which added together amount to 1583 pesos, he said that the signature, Lafour Dubourg, at the end of each one of them, is his own and the same that he is accustomed to make, that he acknowledges it as such, and that he owes the amount specified. This is the truth according to his oath. He is 27 years of age, and he did not sign because of an accident to his hand.

This is followed by the contract drawn up between Jacques Lamothe and Pablo Lacour Dubourg. Translated from the French, it reads: We the undersigned, Pablo Lacour Dubourg and Jacques Lamothe, form a partnership to run through the coming year. According to our agreement, I, Dubourg, give him, Lamothe, full power to manage my plantation in all that concerns its administration and I obligate myself to give him one-fifth of all the produce and crops that we may make during the current year. I also permit Mr. Lamothe to place some live stock, belonging to him, on my plantation and agree to sell his milk without charging any commission. Made in duplicate and in good faith, in New Orleans, February 1st, 1783. (Signed) Jacques Lamothe and Paul Lacour Dubourg.

On June 4, 1784, Santiago Lamothe petitions to say that Pablo Lacour Dubourg has died and his estate was sold, two-thirds for cash and the remaining one-third on time. He duly presents the contract drawn up between them to manage the plantation. Therefore he prays the Court to order the Executor to pay him 500 pesos due him for his salary as manager, because it is a privileged debt. He promises to wait for the rest

due him until the date of maturity for the payment of the other one-third arrives, in accordance with the terms of the sale of the property. Francisco Maria de Reggio orders this petition sent to the Curator of the minors.

Francisco Broutin, Curator ad lites to the Dubourg minors, answers to say that before he consents to the payment of this debt, it will be necessary for Mr. Lamothe to render a statement of what has been produced on the plantation during the past year, according to the contract, a copy of which he has filed with the records of this suit, so as to show the actual amount upon which he bases the one-fifth that should go to him. The Court rules: Notify Santiago Lamothe to produce an account of his administration of the Pablo Lacour Dubourg plantation, within 15 days.

Santiago Lamothe answers, averring it has pleased the Court to order him to render an account of what has been produced on Mr. Dubourg's plantation, so that the salary he claims may be computed. Pursuant to this decree, he prays for a ruling to have Juan B. Seizant and Valentino Saulet, immediate neighbors of the said plantation, swear and declare as to what they know in this particular, and done deliver their depositions to him. Alferez de Reggio decrees: Let the witnesses named swear and declare to the contents of the above, as requested; entrust the taking of their depositions to the Escribano, and done return the matter to the Court.

Fernando Rodriguez enters two reports, the first: In the city of New Orleans, on the said day, month and year (June 11, 1784), the Escribano, in virtue of the foregoing decree, went to look for Juan Bautista Seizant, in various parts of the city and was told he makes his home on his plantation. In testimony whereof he sets this down as a matter of record.

In the second report, the Escribano says he looked for Valentin Saulet and was told that he lives on his plantation. This fact is also recorded.

Santiago Lamothe sets forth that in a ruling to his last petition, Juan B. Seizant and Valentin Saulet, who live together on the latter's plantation, were directed to make certain declarations, and considering from the Escribano's report they reside outside of the city limits, may it please the Court to order a Writ of Citation issued and given to some competent person for delivery. Francisco Maria de Reggio rules: As it is prayed; entrust the service of this Writ to any competent person.

A marginal note stipulates that the Writ of Citation, which was ordered, has been issued and delivered to the party.

The Writ of Citation: By decree rendered this day, by Francisco Maria de Reggio, it is ordered that some competent person notify Valentin Saulet to appear in the Escribano's Office

to be made acquainted with a certain decision. New Orleans, June 15, 1784. (Signed) Fernando Rodriguez.

Report of the service of the Writ: In the city of New Orleans, on June 15, 1784, Santiago Lemaire appeared before the Escribano to state that he went to Valentin Saulet's plantation, situated on the other side of the river, above the city, a half a league away, to notify him of the contents of the above Writ. He asked to have it set down as a matter of record that he had received the Writ of Citation. (Signed) Santiago Lemaire, and attested to by Fernando Rodriguez.

The second Writ: By Francisco Maria de Reggio's decree, it is ordered that some competent person notify Jean Bautista Seizant to appear in the Escribano's Office to be made acquainted with a certain decision. New Orleans, June 15, 1784. (Signed) Fernando Rodriguez.

Report of the service of this Writ: In New Orleans, on June 19, 1784, Santiago Lemaire appeared before the Escribano to say that he had gone to Juan Bautista Seizant's plantation, above the city, on the other side of the river, a half a league away. He showed him the Writ and was asked by Mr. Seizant to have it set down as a matter of record that he had seen it.

The first lines of the next entry are missing, but may be easily supplied. It should read: In the city of New Orleans, on the said day, month and year, I, the Escribano, in virtue of the commission conferred upon me, received Juan Bautista Seizant's oath, made by God, Our Lord, and a Sign of the Cross, according to law, under charge of which he promised to speak the truth, and being examined upon the tenor of the foregoing petition, he said he lived next to the late Pablo Lacour Dubourg's plantation. The latter cleared 4000 pesos from the produce of his place (under Mr. Lamothe's management). He knows this to be a fact, because he heard Mr. Dubourg say so before his death. The above deposition is the truth under charge of his oath. He did not sign owing to his inability to write his name. Attested to and signed by Fernando Rodriguez.

The next entry is Valentin Saulet's declaration: In the city of New Orleans, on the said day, month and year, the Escribano, in virtue of the commission conferred upon him, received Valentin Saulet's oath, under charge of which he promised to speak the truth, and being examined upon the foregoing written petition, he said that as a neighbor of Pablo Lacour Dubourg they had much friendly intercourse and many business transactions and that the latter had declared to him, at different times, before he died, that he had cleared 4000 pesos from the produce of his place (while Mr. Lamothe was in charge). This is the truth under oath. (Signed) Valantain Saulet. Attested to by Fernando Rodriguez.

The plaintiff then petitions to say that according to Juan B. Seizant's and Valentin Saulet's declarations, the salary of 500 pesos he claims for managing the Dubourg plantation has been lawfully earned and is due him. Therefore he prays the Court to order the person who has charge of the funds of the Dubourg estate to pay him. The Alcalde rules: Send the above to the Curator of the minors.

Francisco Broutin, Curator ad lites to the minor children of the late Pablo Lacour Dubourg, answers, setting forth that Santiago Lamothe's demand to collect a salary of 500 pesos has been proven lawful through Juan B. Seizant's and Valentino Saulet's declarations and other documents presented, and because a claim for salary is privileged it must be paid in preference to the debts of the remaining Creditors. Therefore he consents to the payment of this amount, on condition a receipt be given as a proof that Mr. Lamothe has received the 500 pesos in question. Alcalde de Reggio receives this petition and on June 23, 1784 decrees: Let Pablo Lacour Dubourg pay Santiago Lamothe the 500 pesos he owes him for his salary as manager of his plantation, this sum to be taken from the funds realized by the sale of the Dubourg property. A receipt for the said amount must be drawn up in due form.

The receipt: In the city of New Orleans, on June 23, 1784, Santiago Lamothe appeared before the Escribano to acknowledge that he has received 500 pesos from Pedro Bertonière, Guardian of the Dubourg estate, which was ordered paid by the foregoing decree. He declares this sum has been paid to him, and because it is not delivered now he renounces the exception of non numerata pecunia and draws up a formal receipt. Thus he authorises and signs; the witnesses are Pedro Cowley, Manuel Galvez and Santiago Lemelle, residents of this city, here present. (Signed) Jacques Lamothe. Attested to before Fernando Rodriguez.

Santiago Lamothe again petitions, this time to say that he has been paid the 500 pesos due for his salary as manager of the Dubourg plantation. The succession, however, owes him an additional 1083 pesos 1½ reales for money lent him (Dubourg) without interest, mentioned in the decedent's account-books, and for this reason it is also a privileged debt. Therefore he prays to be paid from the produce of the sale of the property. The Court orders this petition sent to the Curator of the minors.

Francisco Brouton answers to the effect that since Mr. Lamothe's debt is the same as many others, may it please the Court to order it paid according to the privileges that will be in conformity to law and equity. Alferez de Reggio rules: Let the Curator answer the petition sent to him, stating clearly whether or not the debt is just, and if so, is it privileged.

The Curator, in a second petition, avers that he has been ordered to answer clearly whether or not the debt of 1085 pesos 1½ reales Santiago Lamothe claims, is just, and if so, is it privileged. This debt seems to him to be just, but it is not privileged, because the plaintiff has not presented an obligation drawn up before a Notary, nor has this claim ever been recognized by the deceased. Therefore he prays the Court to order it paid in the proration that will be made with the other Creditors. Francisco Maria de Reggio rules: Send this petition to the defendant's widow.

Pedro Bertoniére, Testamentary Executor, Guardian of the Pablo Lacour Dubour estate, and Defendant named for the widow, Celesta Peris, petitions to state that he offers no objections to the Curator's representation, because what he sets forth is the truth, therefore he prays the Court to determine as the latter has requested. The Alcalde receives this petition and on July 12, 1784, decrees: Let Santiago Lamothe be paid the sum of 1083 pesos 1½ reales that he demands. It must be well understood that this claim will be included in the proration that will be made, because there are not funds enough to pay everyone in full. When he will receive this amount he must draw up a receipt in due form.

The third suit is entitled, Proceedings instituted by Carlos Porre against the Succession of Pablo Lacour Dubourg, to collect a debt.

This case opens with two exhibits; these are notes signed by Lacour Dubourg. The first is for 244 pesos and is dated September 8, 1782. The second is for 100 pesos to be paid to Mr. Teniere and is dated January 14, 1782. Teniere has written across the back: I pray Mr. Dubourg to pay the amount of the note, on the other side of this paper, to Messrs. Pore & Fraissinet for value received. New Orleans, March 14, 1783. (Signed) Teniere.

Carlos Poree petitions, setting forth that as it appears from the two notes, duly presented, the late Juan (Pablo) Lacour Dubourg owes him 344 pesos at maturity. This date has long since passed and, although he has instituted many proceedings, he has been unable to obtain payment, therefore he prays the Court to order the Dubourg estate to pay him the amount stipulated in preference to the remaining Creditors. Alferez de Reggio rules: The notes having been presented, as mentioned, proceed with the comparison (of signatures), and done return the matter to the Court.

Comparison of signatures: In the city of New Orleans, on the said day, month and year, the Escribano, in virtue of the foregoing decree, searched the records in his office and found therein several signatures of Lacour Dubourg, and having compared them with those on the notes, filed at the beginning of

this suit, he finds them to be identical and seeming to have been made by the same hand, and in testimony whereof he sets this down as a matter of record; the witnesses were Joseph Becat, Manuel Galvez and Phelipe Guinault, residents of this city, here present. To all of which he attests. (Signed) Fernando Rodriguez. Francisco Maria de Reggio decrees: Whereas, send the above petition to the Curator of Pablo Lacour Dubourg's minor children.

Francisco Broutin answers to say that this debt is not privileged because it is based upon a simple note and has never been acknowledged by the said deceased. Therefore he prays to have it ordered paid in the proration that will be made with the other Creditors. Francisco Maria de Reggio rules: Send this petition to the defender of Pablo Dubourg's widow.

Pedro Bertonière answers, averring that he has nothing to say contrary to the representation of the Curator ad lites of the minors, therefore he prays the Court to administer justice according to what he has asked. Alcalde de Reggio receives this petition and on August 11, 1784, decrees: Whereas, let Carlos Poree be paid the sum of 344 pesos he demands, but it must be well understood that his claim will be included in the proration that will be made among the Creditors, since there are not sufficient funds to pay each one in full what should come to him. When payment will be made, the plaintiff must draw up a receipt in due form.

The fourth case is entitled, Proceedings instituted by Estevan Roquigny against Pablo Lacour Dubourg, to collect a debt.

This suit opens with the filing of a note which forms the basis for action. It is dated October 29, 1783, and signed Lacour Dubourg. This said note is good for 115 pesos 4 reales, for value received, in work, to be paid in 8 days.

On January 20, 1784, Estevan Roquigny petitions, averring that as may be proven from the note duly presented, Pablo Lacour Dubourg owes him 115 pesos for work and implements made in his blacksmith's shop for the defendant's mill. Therefore he prays the Court to order Mr. Dubourg, under oath, to acknowledge his signature and declare whether the plaintiff supplied the work and implements mentioned and whether the amount claimed is due. When this deposition will be made, let it be delivered to him to use to enforce his rights. Alferez de Reggio rules: The note having been presented. Mr. Dubourg must swear, declare and acknowledge his signature and his indebtedness to Mr. Roquigny. Entrust the taking of this declaration to the Escribano.

Fernando Rodriguez reports that he searched in various parts of the city for Pablo Lacour Dubourg, so as to notify him of the foregoing decree and was informed that he lives on his

plantation. In testimony whereof he sets this down as a matter of record.

Estevan Roquigny again petitions, this time to say that the present Escribano looked everywhere for Dubourg to take his declaration, as it had been ordered, but he was informed that the latter makes his home on his plantation. Therefore he prays for a Writ of citation. The Court rules: As it is prayed. En-trust the service of this writ to any competent person.

A marginal note specifies that the writ which was ordered has been issued and delivered to the party. Attested to by Fernando Rodriguez.

The Writ: By decree rendered this day, by Francisco Maria de Reggio, Alferez Real and Alcalde Ordinario of this city, it is ordered that any competent person notify Pablo Lacour Dubourg to appear in the Escribano's Office to be made acquainted with a certain decree. New Orleans, January 21, 1784. (Signed) Fernando Rodriguez.

The Writ is followed by a taxation of the costs of the case, amounting to 57 pesos and dated May 21, 1787.

[Note: See Concursus of Creditors of Pablo Lacour Dubourg, 1st Copy Book, November 27, 1783.—L.L.P.]

February 27.

Juan Villanueva vs. One Named San Cartier. To collect a debt.

No. 3310. 3 pp.

Court of Alcalde Francisco Maria de Reggio.

No Assessor.

Escribano, Fernando Rodriguez.

This suit illustrates the procedure involved in collecting a debt, or obtaining a valid legal document in proof of same, from a man supposed to be at the point of death. The plaintiff apparently wins out in the suit, although the record is unfinished in the available documents.

him, according to Richoux' acknowledgment, made in his favor, that must be paid from the rent of the house he occupies, belonging to San Cartier. Considering the said Richoux is very ill, the

The first entry is an acknowledgment of an obligation, written in French, which reads: I, Richoux, being sick in bed, pray Mr. Paul Arma to draw up a note for 67 pesos that I owe Mr. Jean Villeneuve, which he has the right to recover from me from the rent of the house I occupy, belonging to Mr. Sancier. I promise to pay him, or his order, two months from date. New Orleans, this day, February 25th, 1784.

Juan Villanueva petitions to say he worked for Mr. San Cartier for a long while, therefore the latter owes him a certain sum of money, various amounts of which have already been paid. There still remains 67 pesos due

petitioner is afraid he will die, leaving no property of his own, therefore may it please the Court to order San Cartier, his principal debtor, to pay him this sum, or failing to do so, draw up a note for this amount. Alcalde de Reggio rules: The acknowledgment this party mentions having been presented, let the named San Cartier be notified to appear before this Tribunal, within one day, to give a reason for what is set forth in the above petition.

This record ends here; it is in bad condition and the meaning is not clear.

(To be continued.)